

Plaintiff's 5/12/06  
deposition,  
with exhibits  
*Part 1*

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1 (Pages 1 to 4)

Page 1	Page 3
IN THE UNITED STATE DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA NORTHERN DIVISION	1 grounds at the time of trial or at the 2 time said deposition is offered in 3 evidence, or prior thereto. 4
CIVIL ACTION NUMBER CV-2:05CV-1040-WKW	5 6
DORA DAVIS, Plaintiff(s), vs. ALBANY INTERNATIONAL, JEFF JOHNSTON, Defendant(s).	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23
DEPOSITION TESTIMONY OF: DORA DAVIS	<b>I N D E X</b>
May 12, 2006 9:00 a.m.	EXAMINATION BY: PAGE NO. Mr. Powell 8 Certificate 286
COURT REPORTER: DAVID L. MILLER, CSR, RMR	
Page 2	Page 4
1 <b>STIPULATION</b> 2 IT IS STIPULATED AND AGREED by and 3 between the parties through their 4 respective counsel that the deposition of 5 DORA DAVIS, may be taken before David L. 6 Miller, Registered Merit Reporter and 7 Notary Public, State at Large, at the law 8 offices of Toles & Williams, Montgomery, 9 Alabama, on May 12, 2006, commencing at 10 approximately 9:00 a.m. 11 IT IS FURTHER STIPULATED AND AGREED 12 that the signature to and the reading of 13 the deposition by the witness is waived, 14 the deposition to have the same force and 15 effect as if full compliance had been had 16 with all laws and rules of Court relating 17 to the taking of depositions. 18 IT IS FURTHER STIPULATED AND 19 AGREED that it shall not be necessary for 20 any objections to be made by counsel to 21 any questions, except as to form or 22 leading questions, and that counsel for 23 the parties may make objections and assign	1 <b>INDEX OF EXHIBITS</b> 2 <b>EXHIBITS PAGE NO.</b> 3 DEFENDANT'S 1 State court complaint 13 4 DEFENDANT'S 2 Albany's policies 40 5 DEFENDANT'S 3 Acknowledgment 41 6 DEFENDANT'S 4 I understand document 42 7 DEFENDANT'S 5 Training record 45 8 DEFENDANT'S 6 Disability statement 130 9 DEFENDANT'S 7 Handbook 136 10 DEFENDANT'S 8 Notice of decision 167 11 DEFENDANT'S 9 Employee documentation 241 12 DEFENDANT'S 10 Inter-office memo 247 13 DEFENDANT'S 11 Return to work letter 252 14 DEFENDANT'S 12 Exit interview 257 15 DEFENDANT'S 13 Voluntary resignation 261 16 DEFENDANT'S 14 Forget letter 261 17 DEFENDANT'S 15 Initial disclosures 265 18 19 20 21 22 23

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<p>1 APPEARANCES</p> <p>2</p> <p>3 FOR THE PLAINTIFF(S):</p> <p>4 Triana S. Williams</p> <p>5 Vicky U. Toles</p> <p>6 TOLES &amp; WILLIAMS</p> <p>7 1015 South McDonough Street</p> <p>8 Montgomery, Alabama 36104</p> <p>9</p> <p>10 FOR THE DEFENDANT, ALBANY:</p> <p>11 Charles A. Powell, IV</p> <p>12 BAKER, DONELSON, BEARMAN, CALDWELL</p> <p>13 &amp; BERKOWITZ</p> <p>14 1600 SouthTrust Tower</p> <p>15 420 20th Street North</p> <p>16 Birmingham, Alabama 35203</p> <p>17</p> <p>18 FOR THE DEFENDANT, JOHNSTON:</p> <p>19 Jennifer F. Swain</p> <p>20 JOHNSTON, BARTON, PROCTOR &amp; POWELL</p> <p>21 2900 AmSouth/Harbert Plaza</p> <p>22 1901 Sixth Avenue North</p> <p>23 Birmingham, Alabama 35203</p>	<p>1 I, David L. Miller, a Registered</p> <p>2 Merit Report of Birmingham, Alabama, and a</p> <p>3 Notary Public for the State of Alabama at</p> <p>4 Large, acting as Commissioner, certify</p> <p>5 that on this date, pursuant to the Federal</p> <p>6 Rules of Civil Procedure, and the</p> <p>7 foregoing stipulation of counsel, there</p> <p>8 came before me at the law offices of</p> <p>9 Toles &amp; Williams, Montgomery, Alabama,</p> <p>10 commencing at approximately 9:00 a.m. on</p> <p>11 May 12, 2006, DORA DAVIS, witness in the</p> <p>12 above cause, for oral examination,</p> <p>13 whereupon the following proceedings were</p> <p>14 had:</p> <p>15</p> <p>16 DORA DAVIS,</p> <p>17 Having been first duly sworn, was examined</p> <p>18 and testified as follows:</p> <p>19</p> <p>20 COURT REPORTER: Usual</p> <p>21 stipulations?</p> <p>22 MS. TOLES: Yes.</p> <p>23 MR. POWELL: Yes.</p>
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<p>1 APPEARANCES</p> <p>2</p> <p>3 ALSO PRESENT:</p> <p>4 Jeff Johnston</p> <p>5 Ted Bryant</p> <p>6 Demonica Ritchison</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>	<p>1 MS. SWAIN: Yes.</p> <p>2</p> <p>3 EXAMINATION BY MR. POWELL:</p> <p>4 Q. How are you this morning,</p> <p>5 Ms. Davis?</p> <p>6 A. A little bit tired. I'm not</p> <p>7 feeling well today.</p> <p>8 Q. I'm sorry to hear that. My</p> <p>9 name is Charles Powell. I'm the attorney</p> <p>10 representing Albany International in the</p> <p>11 lawsuit that you have brought against the</p> <p>12 company and Jeff Johnston. Jennifer Swain</p> <p>13 is representing Mr. Johnston in the case.</p> <p>14 I think he will be joining us in a little</p> <p>15 while.</p> <p>16 We are here to take your</p> <p>17 deposition in your lawsuit today. This is</p> <p>18 my and Ms. Swain's opportunity to find out</p> <p>19 what facts that you have that you believe</p> <p>20 support your claims against Albany and</p> <p>21 Mr. Johnston in this lawsuit. For that</p> <p>22 reason, I and Albany are going to rely on</p> <p>23 your testimony, as well as Mr. Johnston</p>

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<p style="text-align: right;">Page 9</p> <p>1 and Ms. Swain.</p> <p>2 For that reason, it is</p> <p>3 important for you to listen to my</p> <p>4 questions carefully. If you don't</p> <p>5 understand the question, please tell me</p> <p>6 and I will happy to repeat or rephrase the</p> <p>7 question.</p> <p>8 If you answer a question, I'm</p> <p>9 going to assume that you understood it and</p> <p>10 that the answer that you have given me is</p> <p>11 to the best of your ability. All right?</p> <p>12 A. (Nods head)</p> <p>13 MS. TOLES: He --</p> <p>14 Q. That instruction is coming</p> <p>15 next. For Mr. Miller's benefit, I need</p> <p>16 you to answer orally, either yes or no or</p> <p>17 in a narrative fashion. He can take down</p> <p>18 nods or shakes of the head, but it is not</p> <p>19 always clear exactly what you meant.</p> <p>20 So, mainly for Mr. Miller's</p> <p>21 benefit, if you would either say yes or no</p> <p>22 or give a narrative answer, it will make</p> <p>23 it easier on Mr. Miller to take down the</p>	<p style="text-align: right;">Page 11</p> <p>1 Q. I-V-E-R-S-O-N?</p> <p>2 A. S-O-N, uh-huh.</p> <p>3 Q. Did you do anything to get</p> <p>4 ready for your deposition today?</p> <p>5 A. Yes.</p> <p>6 Q. What did you do?</p> <p>7 A. I talked to my lawyer.</p> <p>8 Q. Don't tell me what y'all</p> <p>9 talked about. Did you do anything else</p> <p>10 besides talk to counsel?</p> <p>11 A. That was it.</p> <p>12 Q. Did you review any documents?</p> <p>13 A. I looked over the documents.</p> <p>14 Q. Do you remember which</p> <p>15 documents you looked at?</p> <p>16 A. The response and my</p> <p>17 complaints.</p> <p>18 Q. Okay. When you say your</p> <p>19 complaint, your complaint in this lawsuit?</p> <p>20 A. In this lawsuit.</p> <p>21 Q. Did you also look at your</p> <p>22 complaint from your State court lawsuit?</p> <p>23 A. State court -- I don't</p>
<p style="text-align: right;">Page 10</p> <p>1 testimony.</p> <p>2 A. Yes.</p> <p>3 Q. All right. You said that you</p> <p>4 are not feeling well this morning. Are</p> <p>5 you on any kind of medication that you</p> <p>6 think will affect your memory and your</p> <p>7 ability to testify here today?</p> <p>8 A. No.</p> <p>9 Q. If you need a break at any</p> <p>10 time, let me know and we can take a few</p> <p>11 minutes.</p> <p>12 A. Okay.</p> <p>13 Q. All right. You were with</p> <p>14 Albany for roughly twenty-four years; is</p> <p>15 that about right?</p> <p>16 A. Twenty four and a half years.</p> <p>17 Q. All right. You are currently</p> <p>18 Dora Davis. Are there any other names</p> <p>19 that you went by during your employment</p> <p>20 with the company?</p> <p>21 A. Yes.</p> <p>22 Q. What were they?</p> <p>23 A. Jones and Iverson.</p>	<p style="text-align: right;">Page 12</p> <p>1 understand.</p> <p>2 Q. In addition to this case, I</p> <p>3 think you also filed a State court lawsuit</p> <p>4 against the company with different</p> <p>5 lawyers.</p> <p>6 A. Okay. No, I didn't look over</p> <p>7 that one.</p> <p>8 Q. Okay. Well, if you would just</p> <p>9 take a look at that for me real quick.</p> <p>10 MR. POWELL: Do you have a</p> <p>11 copy of it?</p> <p>12 MS. TOLES: I don't think I</p> <p>13 have got that.</p> <p>14 MR. POWELL: (Hands document)</p> <p>15 MS. TOLES: Thank you.</p> <p>16 (Pause)</p> <p>17 THE WITNESS: Okay.</p> <p>18 Q. (BY MR. POWELL) All right.</p> <p>19 Have you had a chance to review that</p> <p>20 document?</p> <p>21 A. Yes.</p> <p>22 Q. Do you recognize it?</p> <p>23 A. Yes.</p>

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<p>1 Q. Okay. What is it?</p> <p>2 A. It's a complaint I filed</p> <p>3 against the company for Workers' Comp with</p> <p>4 -- I can't think of his name.</p> <p>5 Q. Would that be William Abell</p> <p>6 who is listed on the last page?</p> <p>7 A. Yes. William Abell.</p> <p>8 Q. All right. And if you could,</p> <p>9 look on page four of the document. Are</p> <p>10 those your signatures?</p> <p>11 A. Yes.</p> <p>12 Q. All right. Did you authorize</p> <p>13 Mr. Abell to file this complaint on your</p> <p>14 behalf?</p> <p>15 A. Yes.</p> <p>16 Q. And did you have an</p> <p>17 opportunity to review it before Mr. Abell</p> <p>18 filed it in court? Did you read over it</p> <p>19 beforehand?</p> <p>20 A. I don't remember. I don't</p> <p>21 remember.</p> <p>22 Q. Take a look at the bottom of</p> <p>23 page four for me. That little paragraph</p>	<p>1 A. 1979. I started as a worker</p> <p>2 bee.</p> <p>3 Q. Okay.</p> <p>4 A. A seamer, I went to the</p> <p>5 finishing as a helper bee, and then I went</p> <p>6 back to the seaming as a seamer, then a</p> <p>7 nap operator.</p> <p>8 Q. And how were you paid at</p> <p>9 Albany?</p> <p>10 A. Hourly.</p> <p>11 Q. Were you an hourly worker</p> <p>12 throughout your tenure with the company?</p> <p>13 A. Twenty-four and a half years,</p> <p>14 yes.</p> <p>15 Q. Okay. Are you a member of the</p> <p>16 Union?</p> <p>17 A. Yes.</p> <p>18 Q. Which one?</p> <p>19 A. Teamsters, I believe.</p> <p>20 Q. Okay. Was there a collective</p> <p>21 bargaining agreement that -- in place when</p> <p>22 you were employed by Albany?</p> <p>23 A. I believe so.</p>
Page 14	Page 16
<p>1 above the second signature on the bottom</p> <p>2 of the page.</p> <p>3 A. Yes.</p> <p>4 Q. Okay. Now, are the facts</p> <p>5 alleged in this complaint true and</p> <p>6 accurate?</p> <p>7 A. They are.</p> <p>8 Q. Okay. And that includes all</p> <p>9 of the facts that you have -- the</p> <p>10 allegations that you have made in count</p> <p>11 two of that complaint?</p> <p>12 (Pause)</p> <p>13 A. Yes.</p> <p>14 Q. Okay. If you could, just give</p> <p>15 that to Mr. Miller. We will mark that as</p> <p>16 Exhibit 1 to your deposition.</p> <p>17 (WHEREUPON, a document was</p> <p>18 marked as Defendant's Exhibit 1 and is</p> <p>19 attached to the original transcript.)</p> <p>20 Q. What did you do for Albany?</p> <p>21 A. From the beginning?</p> <p>22 Q. That may be the easiest way to</p> <p>23 do it. You got hired in 1979?</p>	<p>1 Q. How long did you work as a</p> <p>2 worker bee?</p> <p>3 A. About a year and a half.</p> <p>4 About a year and a half.</p> <p>5 Q. Is that your first job at</p> <p>6 Albany?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Is that in the weaving</p> <p>9 department?</p> <p>10 A. The weaving.</p> <p>11 Q. How did you get from being a</p> <p>12 worker bee to a seamer?</p> <p>13 A. We had a bidding system, so I</p> <p>14 bid to be a seamer.</p> <p>15 Q. Was there a job bid procedure</p> <p>16 in place your whole time at Albany?</p> <p>17 A. Yes.</p> <p>18 Q. So if any hourly employee at</p> <p>19 Albany wanted to move from one job to</p> <p>20 another, did you have to bid on the job to</p> <p>21 move?</p> <p>22 A. Once the job was placed on the</p> <p>23 board, was opened up, then you bid for</p>



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<p>1 that job if you wanted to be placed.</p> <p>2 Q. Okay. And do you know,</p> <p>3 generally, what the criteria were that</p> <p>4 were considered once people applied for a</p> <p>5 job that was posted on the board?</p> <p>6 A. Not really.</p> <p>7 Q. All right. And did you bid on</p> <p>8 the job to get from seaming to finish?</p> <p>9 A. Yes.</p> <p>10 Q. How long did you say -- let me</p> <p>11 ask you this.</p> <p>12 How long did you stay a seamer</p> <p>13 that first time?</p> <p>14 A. About ten years.</p> <p>15 Q. Do you remember who your</p> <p>16 supervisor was when you were a worker bee?</p> <p>17 A. Eric Thorington, I believe.</p> <p>18 Eric.</p> <p>19 Q. Was Mr. Bryant in the plant</p> <p>20 when you got hired?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. So you worked with Ted</p> <p>23 Bryant the whole time that you were with</p>	<p>1 and a half years at Albany, did you ever</p> <p>2 hear Mr. Bryant make any racially</p> <p>3 inappropriate remarks?</p> <p>4 A. No.</p> <p>5 Q. Ever hear Mr. Bryant telling</p> <p>6 any racially inappropriate jokes?</p> <p>7 A. No.</p> <p>8 Q. Okay. During the time -- your</p> <p>9 first time as a seamer, that roughly</p> <p>10 ten-year stretch, who was your supervisor?</p> <p>11 A. Jewel Johnson, Bill Smith,</p> <p>12 and, I believe, Barbara Smith at one</p> <p>13 point.</p> <p>14 Q. Jewel Johnson?</p> <p>15 A. Yes.</p> <p>16 Q. Jewel like a diamond, Ruby?</p> <p>17 A. I know her name is Jewel. How</p> <p>18 is it, I don't know.</p> <p>19 Q. And Jewel Johnson, Bill Smith,</p> <p>20 and Barbara Smith were your supervisors</p> <p>21 during your first run in the seaming</p> <p>22 department?</p> <p>23 A. Yes.</p>
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<p>1 the company?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. Do you believe</p> <p>4 Mr. Bryant ever took any action against</p> <p>5 you because of your race?</p> <p>6 A. I don't know.</p> <p>7 Q. Do you allege in this lawsuit</p> <p>8 that Mr. Bryant did anything to you at</p> <p>9 Albany because of your race?</p> <p>10 A. I don't know that either.</p> <p>11 Q. You filed the lawsuit, so I'm</p> <p>12 confused how you don't know if you are</p> <p>13 accusing Mr. Bryant of doing anything</p> <p>14 because of your race.</p> <p>15 A. I know that a lot of racial</p> <p>16 things was done and based racially, but I</p> <p>17 don't know whether he personally did it.</p> <p>18 Q. Okay. So, as you sit here</p> <p>19 today, you cannot identify any particular</p> <p>20 act by Mr. Bryant that you believe</p> <p>21 occurred because of your race?</p> <p>22 A. No, I can't.</p> <p>23 Q. Okay. During your twenty-four</p>	<p>1 Q. Okay. Are Bill Smith and</p> <p>2 Barbara Smith related?</p> <p>3 A. No.</p> <p>4 Q. All right. So how did you get</p> <p>5 from being a seamer to the finishing</p> <p>6 department?</p> <p>7 A. I bidded.</p> <p>8 Q. Bid on it. How long did you</p> <p>9 stay in finishing?</p> <p>10 A. Maybe two months.</p> <p>11 Q. All right. Did you have to</p> <p>12 bid back to seaming, or is there some</p> <p>13 procedure in the collective bargaining</p> <p>14 agreement that let you go get your old job</p> <p>15 back within a certain period of time?</p> <p>16 A. I was injured. I fell off of</p> <p>17 a table.</p> <p>18 Q. Okay.</p> <p>19 A. And when I got back from off</p> <p>20 -- recovering, I was allowed to go back to</p> <p>21 the seaming department.</p> <p>22 Q. Okay. Was that a Workers'</p> <p>23 Compensation injury?</p>

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<p>1 A. Yes.</p> <p>2 Q. What year?</p> <p>3 A. 1991.</p> <p>4 Q. 1991. Who was your supervisor</p> <p>5 during the time period that you were in</p> <p>6 finishing?</p> <p>7 A. Joe Dean.</p> <p>8 Q. All right. What was the</p> <p>9 nature of your injury in 1991?</p> <p>10 A. I fell off a -- I don't know</p> <p>11 what they call the table, but it was about</p> <p>12 this high (Indicating).</p> <p>13 Q. About three and a half, four</p> <p>14 feet?</p> <p>15 A. Four feet. And I had to -- we</p> <p>16 had something we called heat set -- a heat</p> <p>17 set table. So I was the helper. And the</p> <p>18 head told me to go up and take the bar and</p> <p>19 put it so they could run the pan for the</p> <p>20 heat set over it.</p> <p>21 When I stood up -- got up on</p> <p>22 the table to bend down to get the bar, I</p> <p>23 didn't know the extent of the weight. And</p>	<p>1 Q. Did you just pick up the bar</p> <p>2 and lose your balance because of the</p> <p>3 weight of the bar?</p> <p>4 A. When I picked up the bar, I</p> <p>5 just felt pain in my lower back. I -- I</p> <p>6 guess I acknowledged the pain, and that's</p> <p>7 when I fell.</p> <p>8 Q. Okay. When you came back and</p> <p>9 went back to the seaming department, who</p> <p>10 was your supervisor?</p> <p>11 A. Jewel Johnson.</p> <p>12 Q. You said that you were a</p> <p>13 seamer and then became a nap operator.</p> <p>14 Are those both in the seaming department?</p> <p>15 A. Both in the seaming</p> <p>16 department.</p> <p>17 Q. How did you get from being a</p> <p>18 seamer to a nap operator?</p> <p>19 A. During that time we had where</p> <p>20 we would be transferred from the -- they</p> <p>21 were phasing the groscey (phonetic)</p> <p>22 machine out and they were bringing the</p> <p>23 M-3000s in. It was another -- it was</p>
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<p>1 I picked it up. And when I picked it up,</p> <p>2 I fell off the table. And I hurt my lower</p> <p>3 back and my right knee.</p> <p>4 Q. Did you get some medical</p> <p>5 treatment for that?</p> <p>6 A. Not at first. I went to my</p> <p>7 own doctor. I went to the company. I was</p> <p>8 denied Workers' Comp. I went to my own</p> <p>9 doctor. I was treated.</p> <p>10 So, eventually, after I had</p> <p>11 gone back to work, it was recognized as a</p> <p>12 Workers' Comp situation.</p> <p>13 Q. All right. And I take it at</p> <p>14 some point you were released to return to</p> <p>15 work at full duty?</p> <p>16 A. Yes.</p> <p>17 Q. And when you came back, is</p> <p>18 that when you went back to your prior job</p> <p>19 in the seaming department?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. When you fell off the</p> <p>22 table, who was your table head?</p> <p>23 A. Eddie Lane.</p>	<p>1 another machine, but I don't know the name</p> <p>2 of that machine. But it was similar to</p> <p>3 the M-3000. And we kind of like went</p> <p>4 from -- according to seniority, we were</p> <p>5 taken from one to the other one. From the</p> <p>6 groscey to the nap side.</p> <p>7 Q. Okay. Just for my benefit,</p> <p>8 because I have never run any of these</p> <p>9 machines. What is a -- a groscey?</p> <p>10 A. It was a manual. You seam</p> <p>11 manually. You actually put the steam in</p> <p>12 with your hand.</p> <p>13 Q. Okay. And when you say put</p> <p>14 the seam in, are you weaving the ends of</p> <p>15 the fabric together?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. So you are taking woven</p> <p>18 pieces of fabric and putting the ends</p> <p>19 together to making a belt out of it?</p> <p>20 A. Yes.</p> <p>21 Q. All right. Do you know how</p> <p>22 you spell a groscey?</p> <p>23 A. No. I don't remember that</p>

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<p>1 much.</p> <p>2 Q. All right. Do you remember,</p> <p>3 roughly, when the company was</p> <p>4 transitioning from the manual groscey</p> <p>5 seaming machine to what, I guess, were</p> <p>6 electronic seaming machines?</p> <p>7 A. It was around like '91, '92.</p> <p>8 In that area -- that time frame.</p> <p>9 Q. You mentioned -- is it an</p> <p>10 M-3000?</p> <p>11 A. Yes. That's what we called</p> <p>12 it. We called it an M-3000.</p> <p>13 Q. What is the M-3000?</p> <p>14 A. It was an automatic seaming.</p> <p>15 Q. Tell me how the job was</p> <p>16 different when you changed from manual</p> <p>17 seaming to an automatic seaming machine.</p> <p>18 A. It was different because I was</p> <p>19 doing it with my hand. When you went to</p> <p>20 the groscey -- to the M-3000, it was done</p> <p>21 automatically. But you had to sit the</p> <p>22 fabric up and connect it to the machine</p> <p>23 and you had to sit and watch it and look</p>	<p>1 finishing. Did Ms. Johnson remain your</p> <p>2 supervisor for the rest of your time with</p> <p>3 the company?</p> <p>4 A. No.</p> <p>5 Q. Who else served as your</p> <p>6 supervisor after Ms. Johnson?</p> <p>7 A. I don't know whether anyone</p> <p>8 was between Jewel, but I think Jeff</p> <p>9 Johnston was the next supervisor. I</p> <p>10 believe.</p> <p>11 Q. So Jeff Johnston is the next</p> <p>12 seaming supervisor that you remember?</p> <p>13 A. I believe he was.</p> <p>14 Q. Okay. And how long did</p> <p>15 Mr. Johnston remain your supervisor?</p> <p>16 A. I don't know whether it was</p> <p>17 maybe two years -- if it was two years or</p> <p>18 three. Something like that. I don't know</p> <p>19 exactly.</p> <p>20 Q. Do you recall when</p> <p>21 Mr. Johnston became your supervisor in the</p> <p>22 seaming department?</p> <p>23 A. I believe it was -- I don't</p>
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<p>1 for mistakes and anything else that might</p> <p>2 occur.</p> <p>3 Q. All right. And how many</p> <p>4 M-3000 machines were there in your</p> <p>5 department?</p> <p>6 A. I forgot that.</p> <p>7 Q. I assume it was more than</p> <p>8 one.</p> <p>9 A. It was -- I don't know. Maybe</p> <p>10 thirteen between the M-3000s and -- it</p> <p>11 might have been thirteen. I can remember</p> <p>12 up to N-9. But it was more. I believe it</p> <p>13 was more.</p> <p>14 Q. Okay. You said N-9; is that a</p> <p>15 machine number?</p> <p>16 A. That was a -- all of the</p> <p>17 machines were numbered.</p> <p>18 Q. Okay.</p> <p>19 A. And I can remember N-9. I</p> <p>20 don't remember.</p> <p>21 Q. Okay. Did Jewel -- you said</p> <p>22 that Jewel Johnson was your supervisor in</p> <p>23 seaming when you came back from</p>	<p>1 know whether it was '94 or '95.</p> <p>2 Q. Okay. And he would have been</p> <p>3 your supervisor in that department till</p> <p>4 '96, '97, somewhere in that time frame?</p> <p>5 A. I know it was up until '96. I</p> <p>6 don't know when he left the department. I</p> <p>7 don't know when he left the department.</p> <p>8 Q. Okay. Who replaced</p> <p>9 Mr. Johnston?</p> <p>10 A. Nat Jones, I believe.</p> <p>11 Q. And how long was Nat Jones</p> <p>12 your supervisor in seaming?</p> <p>13 A. I believe it was -- I don't</p> <p>14 know.</p> <p>15 Q. Okay. Did Mr. Jones -- Nat</p> <p>16 Jones remain your supervisor for the rest</p> <p>17 of your time at Albany?</p> <p>18 A. No.</p> <p>19 Q. Who replaced Mr. Jones?</p> <p>20 A. Tim Woodward.</p> <p>21 Q. Do you know when Mr. Woodward</p> <p>22 became your supervisor?</p> <p>23 A. No, because I don't know when</p>



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8 (Pages 29 to 32)

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<p>1 Nat Jones left.</p> <p>2 Q. How long was Mr. Woodward your</p> <p>3 supervisor?</p> <p>4 A. Maybe two or three years, I</p> <p>5 guess. I don't know.</p> <p>6 Q. Okay. And any supervisors in</p> <p>7 seaming after Mr. Woodward?</p> <p>8 A. Barbara Smith.</p> <p>9 Q. Do you know when Ms. Smith</p> <p>10 became your supervisor?</p> <p>11 A. It was after Tim Woodward</p> <p>12 left. I don't know exactly.</p> <p>13 Q. Okay. Was Ms. Smith your</p> <p>14 supervisor at the time that you stopped</p> <p>15 working at Albany?</p> <p>16 A. It -- she was there at the</p> <p>17 time I was terminated. She was there at</p> <p>18 the time I was terminated.</p> <p>19 Q. Barbara Smith was?</p> <p>20 A. Barbara Smith.</p> <p>21 Q. So after Mr. Woodward, was</p> <p>22 Barbara Smith your supervisor for the rest</p> <p>23 of your time at the company?</p>	<p>1 return to work.</p> <p>2 Q. August 21st of 2003?</p> <p>3 A. August 21st, yes, of 2003. I</p> <p>4 was on and off at work up until October</p> <p>5 the 29th.</p> <p>6 Q. You say that you got called at</p> <p>7 home on August the 21st, 2003?</p> <p>8 A. Uh-huh (Nodding head).</p> <p>9 Q. Yes?</p> <p>10 A. Yes.</p> <p>11 Q. All right.</p> <p>12 A. I'm sorry.</p> <p>13 Q. Who called you?</p> <p>14 A. Ted Bryant.</p> <p>15 Q. Okay. What did Mr. Bryant say</p> <p>16 during this call?</p> <p>17 A. He -- he suggested that I</p> <p>18 didn't come to work until -- I don't even</p> <p>19 remember why. He just suggested that I</p> <p>20 didn't return to work.</p> <p>21 Q. Well, do you know what time of</p> <p>22 day he called you on August the 21st of</p> <p>23 2003?</p>
Page 30	Page 32
<p>1 A. Yes.</p> <p>2 Q. Okay. Do you recall the</p> <p>3 actual last day that you operated a</p> <p>4 seaming machine at Albany?</p> <p>5 A. I don't know the last day.</p> <p>6 Q. Okay. Do you know what month</p> <p>7 it was?</p> <p>8 A. It probably was October,</p> <p>9 because -- it probably was October.</p> <p>10 Q. Early October?</p> <p>11 A. I don't remember.</p> <p>12 Q. All right. I know you had a</p> <p>13 meeting with Mr. Bryant and Jeff Johnston</p> <p>14 around October the 29th of 2003.</p> <p>15 A. That's true.</p> <p>16 Q. Okay. We are going to talk</p> <p>17 about that meeting in a little while. But</p> <p>18 do you know how far in advance of that</p> <p>19 meeting -- do you have a sense of how far</p> <p>20 in advance of that meeting was the actual</p> <p>21 last day that you did any work at Albany?</p> <p>22 A. On August the 21st I was</p> <p>23 called at home, and I was told not to</p>	<p>1 A. No.</p> <p>2 Q. Do you remember what day of</p> <p>3 the week it was?</p> <p>4 A. No.</p> <p>5 Q. Were you scheduled to work</p> <p>6 that day?</p> <p>7 A. Yes.</p> <p>8 Q. Had you worked the day</p> <p>9 before?</p> <p>10 A. If it wasn't a weekend, yes.</p> <p>11 I don't remember what day it was.</p> <p>12 Q. Okay. Had you had any type of</p> <p>13 work-related injury somewhere near that</p> <p>14 date?</p> <p>15 A. Yes.</p> <p>16 Q. What was the injury?</p> <p>17 A. Okay. If you want me to back</p> <p>18 up, because we skipped a lot of injuries.</p> <p>19 In 1992 I was injured; in 1994 I was</p> <p>20 injured.</p> <p>21 Q. Okay.</p> <p>22 A. In 1999 I was injured; in</p> <p>23 2001, I was injured; in 2002 I was</p>

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9 (Pages 33 to 36)

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<p>1 injured.</p> <p>2 Q. Well, at the time Mr. Bryant</p> <p>3 called you on August the 21st of 2003,</p> <p>4 were you still receiving medical treatment</p> <p>5 for any of these prior injuries that you</p> <p>6 have listed?</p> <p>7 A. Yes.</p> <p>8 Q. All right. We are going to</p> <p>9 back up and kind of go through all of</p> <p>10 that.</p> <p>11 All right. You say Mr. Bryant</p> <p>12 called you on August the 21st of 2003 and</p> <p>13 suggested that you not return to work.</p> <p>14 A. Yes.</p> <p>15 Q. Did he tell you that you were</p> <p>16 being placed on any type of inactive</p> <p>17 status?</p> <p>18 A. I don't remember that.</p> <p>19 Q. Do you recall what Mr. Bryant</p> <p>20 said during this call?</p> <p>21 A. I don't know. I just know</p> <p>22 that he called and he told me not to</p> <p>23 return to work.</p>	<p>1 shift, or whenever you left on any day,</p> <p>2 you would also clock out?</p> <p>3 A. Yes.</p> <p>4 Q. All right. During this call</p> <p>5 with Mr. Bryant on August the 21st, 2003,</p> <p>6 did he make any reference to your race?</p> <p>7 A. No.</p> <p>8 Q. Did you ask him why you were</p> <p>9 being told not to return to work?</p> <p>10 A. He told me until I see the</p> <p>11 doctor.</p> <p>12 Q. Well, at that time did you</p> <p>13 have a doctor's appointment scheduled in</p> <p>14 connection with one of your work</p> <p>15 injuries?</p> <p>16 A. Yes.</p> <p>17 Q. And who would that doctor have</p> <p>18 been?</p> <p>19 A. It would be Dr. Katz. It</p> <p>20 would be Dr. Katz.</p> <p>21 Q. Was he one of -- was Dr. Katz</p> <p>22 one of your approved Workers' Compensation</p> <p>23 treating doctors?</p>
Page 34	Page 36
<p>1 Q. That day or ever?</p> <p>2 A. Until they -- until I see the</p> <p>3 doctor or -- I don't know -- it was after</p> <p>4 a certain appointment, but I don't</p> <p>5 remember exactly.</p> <p>6 Q. And how long was it before you</p> <p>7 returned to work after this call with</p> <p>8 Mr. Bryant on August 21st?</p> <p>9 A. I don't know.</p> <p>10 Q. Okay. You mentioned that you</p> <p>11 worked on and off until October the 29th,</p> <p>12 2003.</p> <p>13 A. Yes.</p> <p>14 Q. That would be between this</p> <p>15 call with Mr. Bryant on August the 21st</p> <p>16 and October the 29th, 2003?</p> <p>17 A. Yes.</p> <p>18 Q. You worked periodically?</p> <p>19 A. Yes.</p> <p>20 Q. All right. Any time that you</p> <p>21 worked, would you have clocked in?</p> <p>22 A. Yes, I would have.</p> <p>23 Q. And so then at the end of the</p>	<p>1 A. Yes.</p> <p>2 Q. And at that time were you</p> <p>3 having difficulty working because of your</p> <p>4 injuries?</p> <p>5 A. Yes.</p> <p>6 Q. Causing you to miss time at</p> <p>7 work?</p> <p>8 A. It caused me at that time to</p> <p>9 -- the only time I missed work during that</p> <p>10 time was when Ted called me and told me</p> <p>11 not to return, or whenever he said that</p> <p>12 the doctor said, "You go to therapy." So</p> <p>13 I go to therapy a certain time of day. I</p> <p>14 would leave therapy and go to work. That</p> <p>15 was the only time that was missed.</p> <p>16 Q. Okay.</p> <p>17 A. Besides that, we had no work</p> <p>18 days. So we could take no work days. I</p> <p>19 did take no work days because of the</p> <p>20 injuries. I took vacation time because of</p> <p>21 the injuries.</p> <p>22 Q. When you say no work days,</p> <p>23 what does that mean?</p>

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10 (Pages 37 to 40)

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<p>1 A. We would have slack day's, 2 work production -- no work to put out, so 3 they would declare it a no work day, and 4 they would allow you to take them. Ted 5 Bryant or the company would allow you to 6 take it. 7 Q. And that would apply to you 8 and everybody else in the plant? 9 A. Yes. 10 Q. Okay. So you could just go 11 home for the day? 12 A. Well, usually, you don't work 13 that day. You let them know you don't 14 want to work that day, and you didn't work 15 that day. 16 Q. Those days did not count as 17 attendance occurrences? 18 A. No. 19 Q. If you took a vacation day, 20 that didn't count as an attendance 21 occurrence? 22 A. No. 23 Q. All right. I guess we will</p>	<p>1 A. I would have to go over the 2 complaint. I don't remember. 3 Q. All right. I can represent to 4 you that there is no reference to 5 Ms. Johnson in your complaint. 6 A. I don't know. 7 Q. Does that mean if there is not 8 a specific reference to someone in the 9 complaint, that you -- that you are not 10 claiming that that person took any action 11 against you because of your race? 12 A. Yes. 13 Q. Okay. So you are not accusing 14 Nat Jones of taking any action against you 15 because of your race? 16 A. No. 17 Q. You are not accusing Tim 18 Woodward of taking any action against you 19 because of your race? 20 A. No. 21 Q. You are not accusing Barbara 22 Smith of taking any action against you 23 because of your race?</p>
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<p>1 have a number of injuries to go through. 2 We will do that in a minute. Let me ask 3 you a couple of quick questions. 4 During the time that you -- 5 well, do you believe that Jewel Johnson 6 ever took any action against you because 7 of your race? 8 A. I don't know. 9 Q. Do you allege in this lawsuit 10 that Ms. Johnson took any action against 11 you because of your race? 12 A. I don't remember. 13 Q. You don't remember whether she 14 did or you don't remember whether you 15 allege -- 16 A. I don't remember whether I 17 allege it. I don't remember. 18 Q. Well, I am asking in the 19 lawsuit that you have brought against the 20 company, are you claiming in this lawsuit 21 that Ms. Johnson -- that Jewel Johnson 22 took any action against you because of 23 your race?</p>	<p>1 A. No. 2 Q. Okay. Well, what exactly is 3 it that you believe Mr. John -- 4 THE WITNESS: Can I take a 5 break? 6 MR. POWELL: Do you want to 7 take a break? 8 THE WITNESS: Yes. 9 MR. POWELL: We can do that. 10 9:42 AM 11 (Short recess) 12 9:53 AM 13 Q. (BY MR. POWELL) Are you ready? 14 A. Yes. 15 Q. All right. When we took a 16 break, I was getting ready to ask you some 17 questions about Mr. Johnston. We will put 18 that on hold for just a second. We will 19 come back to Jeff in just a minute. 20 During your time at the 21 company, did Albany have a policy in place 22 regarding discrimination and harassment in 23 the workplace?</p>

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11 (Pages 41 to 44)

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<p>1 A. We had equal opportunity  2 posted on the bulletin board, like a board  3 where it was equal opportunity.  4 Q. Do you recall going through  5 any training at the company about the  6 company's harassment and discrimination  7 policies?  8 A. No.  9 Q. Okay. Take a look at that for  10 me.  11 Have you had an opportunity to  12 look over that document?  13 A. Yes.  14 Q. Do you recognize it?  15 A. No, I don't recognize it.  16 Q. So you don't recall receiving  17 any training on this while you worked for  18 the company?  19 A. I don't remember.  20 Q. All right. We are going to  21 mark that as Exhibit 2 to your deposition.  22 (WHEREUPON, a document was  23 marked as Defendant's Exhibit 2 and is</p>	<p>1 any training on a harassment policy at the  2 company?  3 A. I -- this is my handwriting.  4 Q. Okay.  5 A. But I still don't remember  6 it.  7 Q. You just don't remember it?  8 A. I don't remember it.  9 Q. Okay. Well, in that case, you  10 may not remember this one either, but I'm  11 going to show it to you, and we will see.  12 (WHEREUPON, a document was  13 marked as Defendant's Exhibit 4 and is  14 attached to the original transcript.)  15 Q. Now, this is several different  16 items -- it may not be several. It is a  17 one-page document entitled I Understand.  18 Then there are three pages clipped  19 together behind it, and then there is a  20 booklet in this together clipped on the  21 back of it.  22 If you will, just take a  23 minute to look through all of that for me.</p>
Page 42	Page 44
<p>1 attached to the original transcript.)  2 Q. Go ahead and mark this one,  3 also.  4 (WHEREUPON, a document was  5 marked as Defendant's Exhibit 3 and is  6 attached to the original transcript.)  7 Q. I will ask, does that refresh  8 your recollection, what has been marked as  9 Defendant's Exhibit 3?  10 A. Huh-uh (Shaking head).  11 Q. Have you had a chance to look  12 over what has been marked as Exhibit 3?  13 A. Yes.  14 Q. Is that your signature on it?  15 A. Yes.  16 Q. Is that your handwriting where  17 your name is printed under your signature?  18 A. Yes.  19 Q. Does that look like your  20 handwriting on the rest of the document?  21 A. Yes.  22 Q. So does this refresh your  23 memory as to whether or not you received</p>	<p>1 (Pause)  2 A. Okay.  3 Q. Have you had a chance to look  4 over what we have marked as Exhibit 4 to  5 your deposition?  6 A. Yes.  7 Q. Do you recognize those  8 documents?  9 A. Yes.  10 Q. All right. Do you recall  11 where you first say these documents?  12 A. I remember the meeting now. I  13 remember the meeting now.  14 Q. Do you remember a group  15 training session?  16 A. Yes.  17 Q. Do you remember who else was  18 in the room with you?  19 A. They were hourly employees.  20 And I believe the lady was brought from  21 Albany, New York. I believe she was. I  22 believe it was a lady.  23 Q. Dana Champagne, does that</p>



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12 (Pages 45 to 48)

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<p>1 sound right?</p> <p>2 A. I just remember a lady.</p> <p>3 Q. So somebody that you</p> <p>4 understood was from Albany's corporate</p> <p>5 office came down and gave you a training</p> <p>6 class?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. The first page of</p> <p>9 that -- the document that is entitled, "I</p> <p>10 Understand" -- is that your signature on</p> <p>11 that page?</p> <p>12 A. Yes.</p> <p>13 Q. And do you recall, during this</p> <p>14 training session, receiving all of those</p> <p>15 materials that are clipped to the "I</p> <p>16 Understand" page with your signature?</p> <p>17 A. I remember the meeting.</p> <p>18 Q. Okay.</p> <p>19 A. I don't remember receiving</p> <p>20 these, but I have seen these documents.</p> <p>21 Q. And they are listed on that</p> <p>22 page with your signature on it, correct?</p> <p>23 A. Yes.</p>	<p>1 employment with Albany, which would have</p> <p>2 been during -- two years and nine or ten</p> <p>3 months after this training -- did you ever</p> <p>4 make any effort to contact Ms. Champagne</p> <p>5 to complain about any issues in the</p> <p>6 Montgomery plant?</p> <p>7 A. No.</p> <p>8 Q. After this training session,</p> <p>9 did you ever contact Mr. Bryant to</p> <p>10 complain about any act that you thought</p> <p>11 was somehow discriminatory because of</p> <p>12 race?</p> <p>13 A. I filed grievances, but I just</p> <p>14 don't remember what I put on the</p> <p>15 grievance. I have no records of it.</p> <p>16 Q. So you filed grievances. Do</p> <p>17 you remember what you filed the grievances</p> <p>18 concerning?</p> <p>19 A. I filed grievance on one</p> <p>20 disciplinary action, one where a statement</p> <p>21 was made by a department -- a department</p> <p>22 manager about women as opposed to men.</p> <p>23 And I don't know. I can't remember.</p>
Page 46	Page 48
<p>1 Q. I have marked that one as</p> <p>2 Exhibit 5.</p> <p>3 (WHEREUPON, a document was</p> <p>4 marked as Defendant's Exhibit 5 and is</p> <p>5 attached to the original transcript.)</p> <p>6 Q. And just to make it easy for</p> <p>7 you, I will represent to you that these</p> <p>8 are sign-in logs for everybody who went</p> <p>9 through the same type of training that you</p> <p>10 did. You can look through all of them if</p> <p>11 you would like. I think what looks like</p> <p>12 your signature is on the fourth page.</p> <p>13 A. Okay.</p> <p>14 Q. Is that your signature at</p> <p>15 number two on that page?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Prior to this meeting,</p> <p>18 had you ever met Dana Champagne?</p> <p>19 A. No.</p> <p>20 Q. Have you ever spoken with her</p> <p>21 since then?</p> <p>22 A. No.</p> <p>23 Q. During the remainder of your</p>	<p>1 Q. Other than -- now, these</p> <p>2 grievances -- is there a grievance</p> <p>3 procedure under the collective bargaining</p> <p>4 agreement?</p> <p>5 A. Yes.</p> <p>6 Q. So how do you file a</p> <p>7 grievance?</p> <p>8 A. You have a shop steward. You</p> <p>9 have a -- people who represent you in the</p> <p>10 department. So you go to that person, and</p> <p>11 you get the paperwork and you write out</p> <p>12 your grievance.</p> <p>13 Q. Okay. And then does the Union</p> <p>14 submit the grievance to the company?</p> <p>15 A. Yes.</p> <p>16 Q. What happens then?</p> <p>17 A. Then you wait for something</p> <p>18 like a hearing.</p> <p>19 Q. A formal hearing, or do you</p> <p>20 have a --</p> <p>21 A. A formal hearing like -- would</p> <p>22 be me, the shop steward, Ted Bryant,</p> <p>23 possibly Jeff Johnston. Plant manager,</p>



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13 (Pages 49 to 52)

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<p>1 department manager, to that effect.</p> <p>2 Q. Who was your shop steward in</p> <p>3 the steaming department?</p> <p>4 A. I had several.</p> <p>5 Q. Okay. Let me see if I can do</p> <p>6 it this way. At the time of the grievance</p> <p>7 over the disciplinary action, do you</p> <p>8 recall who your shop steward was?</p> <p>9 A. I believe it was -- one was --</p> <p>10 I remember Dot Collins. The second -- I</p> <p>11 don't remember who the second one was.</p> <p>12 Q. Okay. Who was the department</p> <p>13 manager that made some comments about</p> <p>14 women versus -- male versus female</p> <p>15 employees?</p> <p>16 A. It was Bob Hampsey.</p> <p>17 Q. What did Mr. Hampsey say?</p> <p>18 A. I don't remember, but I know</p> <p>19 it was a grievance. I know we wrote the</p> <p>20 grievance out. We went through the</p> <p>21 grievance procedures.</p> <p>22 Q. How far in the grievance</p> <p>23 procedure did you go?</p>	<p>1 Q. Okay. Who was Bob Hampsey?</p> <p>2 A. He was a department manager</p> <p>3 for the seaming department.</p> <p>4 Q. Would he have been above your</p> <p>5 supervisor?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And during what time</p> <p>8 period was Mr. Hampsey department manager</p> <p>9 for seaming?</p> <p>10 A. This was an occasion where it</p> <p>11 was a male -- a male operator and we had</p> <p>12 female operators. So they brought this</p> <p>13 male back -- well, he bided for the</p> <p>14 department, and they just made him -- I</p> <p>15 don't even know what the position was.</p> <p>16 But they just -- a position that women had</p> <p>17 bided for. They didn't allow us, they</p> <p>18 just placed him.</p> <p>19 Q. Well --</p> <p>20 A. He was working straight days,</p> <p>21 and we had to rotate, stuff like that. It</p> <p>22 was somewhat to that effect.</p> <p>23 Q. Do you remember who the male</p>
Page 50	Page 52
<p>1 A. We went to, I guess, the</p> <p>2 arbitrary -- arbitrator -- where the --</p> <p>3 the Union rep had to come down. We went</p> <p>4 to that.</p> <p>5 Q. You had a formal arbitration?</p> <p>6 A. Well, he was the person who</p> <p>7 was like -- what -- we always say the man</p> <p>8 from Birmingham. When he had to come down</p> <p>9 from Birmingham.</p> <p>10 Q. He works in the Union office</p> <p>11 in Birmingham?</p> <p>12 A. In Birmingham, yes.</p> <p>13 Q. Okay. Was that third step?</p> <p>14 A. It might have been.</p> <p>15 Q. Let me ask it this way. Were</p> <p>16 there any lawyers involved?</p> <p>17 A. No, I don't think so.</p> <p>18 Q. Then it wasn't an arbitration.</p> <p>19 A. Okay.</p> <p>20 Q. All right. And what was the</p> <p>21 resolution of this grievance involving</p> <p>22 Mr. Hampsey?</p> <p>23 A. I don't remember.</p>	<p>1 operator was?</p> <p>2 A. It was Willie Reynolds.</p> <p>3 Q. Willie Reynolds?</p> <p>4 A. Yes.</p> <p>5 Q. Do you know what year this</p> <p>6 occurred?</p> <p>7 A. I don't remember.</p> <p>8 Q. Is Mr. Reynolds white or</p> <p>9 black?</p> <p>10 A. Black.</p> <p>11 Q. At the time, who was your</p> <p>12 supervisor above you but below</p> <p>13 Mr. Hampsey?</p> <p>14 A. I believe it was Nat Jones.</p> <p>15 Q. Did you ever hear Mr. Hampsey</p> <p>16 make any racially inappropriate remark at</p> <p>17 Albany?</p> <p>18 A. No.</p> <p>19 Q. Ever hear Mr. Hampsey tell any</p> <p>20 racial jokes?</p> <p>21 A. No.</p> <p>22 Q. Do you believe Mr. Hampsey</p> <p>23 ever took any action against you because</p>

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14 (Pages 53 to 56)

Page 53	Page 55
<p>1 of your race?</p> <p>2 A. No.</p> <p>3 Q. Did you know how Willie</p> <p>4 Reynolds got this particular job in the</p> <p>5 seaming department?</p> <p>6 A. It was a bidding job, and the</p> <p>7 reason I can remember it so -- because he</p> <p>8 told me personally that George Kazalay --</p> <p>9 that he was going to get that job.</p> <p>10 Q. Mr. Reynolds told you that</p> <p>11 Mr. George Kazalay told him he was going</p> <p>12 to get the job?</p> <p>13 A. Get the job. Out of the other</p> <p>14 bidders, he got the job.</p> <p>15 Q. Do you know who else bid for</p> <p>16 the job?</p> <p>17 A. I believe Norma Heath was one</p> <p>18 of the persons.</p> <p>19 Q. How do you know that Ms. Heath</p> <p>20 bid on it?</p> <p>21 A. Because she made -- mentioned</p> <p>22 it.</p> <p>23 Q. Ms. Heath told you that she</p>	<p>1 were you aware of where the job did not go</p> <p>2 to the most senior employee?</p> <p>3 A. When they asked for</p> <p>4 experience, they would ask -- they would</p> <p>5 list experiences.</p> <p>6 Q. Okay. On this occasion do you</p> <p>7 know who -- well, do you know what the</p> <p>8 criteria was for this job that</p> <p>9 Mr. Reynolds was awarded?</p> <p>10 A. It was working the routing</p> <p>11 table, bringing in and out fabrics out of</p> <p>12 the department. And Ms. Heath had been</p> <p>13 doing it for two or three years.</p> <p>14 Q. Okay. Had Mr. Reynolds ever</p> <p>15 worked in the seaming department?</p> <p>16 A. He had worked earlier. He had</p> <p>17 worked years prior to that.</p> <p>18 Q. Okay. Do you know if</p> <p>19 Mr. Reynolds met the criteria on the</p> <p>20 posting for the job?</p> <p>21 A. I don't know.</p> <p>22 Q. Okay. Did you ever file --</p> <p>23 while you were at Albany, did you ever</p>
Page 54	Page 56
<p>1 bid on the job?</p> <p>2 A. Yes.</p> <p>3 Q. Did you bid on the job?</p> <p>4 A. No.</p> <p>5 Q. Did anyone besides</p> <p>6 Mr. Reynolds or Ms. Heath tell you that</p> <p>7 they bid the job?</p> <p>8 A. I don't remember the people.</p> <p>9 Q. Okay. Do you know the level</p> <p>10 of seniority of Mr. Reynolds and Ms. Heath?</p> <p>11 A. Yes.</p> <p>12 Q. Okay.</p> <p>13 A. Mr. Reynolds had seniority.</p> <p>14 Q. Mr. Reynolds had more</p> <p>15 seniority than Ms. Heath?</p> <p>16 A. Yes.</p> <p>17 Q. In your experience at the</p> <p>18 plant, when two -- when more than one</p> <p>19 employee bids on the job, did the job</p> <p>20 generally go to the employee with the most</p> <p>21 seniority?</p> <p>22 A. On occasions. Some occasions.</p> <p>23 Q. Okay. Well, what occasions</p>	<p>1 file any grievances directly related to</p> <p>2 the conduct of Mr. Johnston?</p> <p>3 A. Wow. I don't remember. Yes,</p> <p>4 I did. Yes.</p> <p>5 Q. Do you remember when that was?</p> <p>6 A. This was once when we were in</p> <p>7 a meeting. I don't remember what the</p> <p>8 meeting was about, but -- I do. It was</p> <p>9 pertaining to the nap, the M-3000, the</p> <p>10 fabric -- H-500 -- I think it was HE-500.</p> <p>11 It was a new project, and we</p> <p>12 were getting ready to train on it. And in</p> <p>13 the meeting he discussed whatever, and he</p> <p>14 asked for questions. During this time</p> <p>15 another employee asked a question,</p> <p>16 Katherine Davis. He -- he accused her of</p> <p>17 trying to run the company.</p> <p>18 The second time was -- I asked</p> <p>19 the question -- I don't know what the</p> <p>20 question was -- but during that time -- he</p> <p>21 told me after the meeting to meet him in</p> <p>22 the office.</p> <p>23 Q. Now, you keep referring to</p>

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15 (Pages 57 to 60)

Page 57	Page 59
<p>1 "he." Is the "he" you are referring to --</p> <p>2 A. Jeff Johnston.</p> <p>3 Q. Mr. Johnston?</p> <p>4 A. Yes.</p> <p>5 Q. Do you remember when this</p> <p>6 meeting was?</p> <p>7 A. I don't remember.</p> <p>8 Q. What job did Mr. Johnston hold</p> <p>9 at the time of this meeting?</p> <p>10 A. I believe it was department</p> <p>11 manager.</p> <p>12 Q. Department manager?</p> <p>13 A. I believe it was.</p> <p>14 Q. Did Mr. Johnston move from</p> <p>15 supervisor to department manager in</p> <p>16 seaming?</p> <p>17 A. Yes.</p> <p>18 Q. And who replaced Mr. Johnston</p> <p>19 as department manager?</p> <p>20 A. I believe it was Bob Hampsey.</p> <p>21 Q. Okay. Do you know what year</p> <p>22 Mr. -- what years Mr. Johnston was</p> <p>23 department manager in seaming?</p>	<p>1 Q. Did he tell any racial jokes?</p> <p>2 A. No.</p> <p>3 Q. Do you remember what the</p> <p>4 question was that Ms. Davis asked?</p> <p>5 A. No, I don't.</p> <p>6 Q. And you said the meeting was</p> <p>7 related to the M-3000, which is a seaming</p> <p>8 machine.</p> <p>9 A. Yes.</p> <p>10 Q. All right. And you mentioned</p> <p>11 a fabric.</p> <p>12 A. Yes.</p> <p>13 Q. What was the fabric?</p> <p>14 A. It was -- I believe it was the</p> <p>15 HE-500. I believe that's what we called</p> <p>16 it.</p> <p>17 Q. A as in apple, T as in Tom?</p> <p>18 A. HE.</p> <p>19 Q. HE, okay.</p> <p>20 Do you know what that fabric</p> <p>21 was for?</p> <p>22 A. I really don't know what they</p> <p>23 used it for. I know it was a Proctor and</p>
Page 58	Page 60
<p>1 A. No, I don't.</p> <p>2 Q. Okay. Was it prior to your</p> <p>3 injury in 2001?</p> <p>4 A. Yes. Yes.</p> <p>5 Q. Okay. Do you remember who the</p> <p>6 department manager was when you got</p> <p>7 injured in 2001?</p> <p>8 A. The department manager -- I</p> <p>9 believe it was Bob Hampsey.</p> <p>10 Q. Okay. So this meeting with</p> <p>11 Mr. Johnston you have been describing</p> <p>12 where Katherine Davis was there, you were</p> <p>13 there, there may have been others, was</p> <p>14 sometime prior to 2001?</p> <p>15 A. Yes.</p> <p>16 Q. All right. And at any point</p> <p>17 during this meeting with Mr. Johnston, did</p> <p>18 Mr. Johnston make any reference to</p> <p>19 anyone's race?</p> <p>20 A. No.</p> <p>21 Q. Did he make any racially</p> <p>22 inappropriate remarks?</p> <p>23 A. No.</p>	<p>1 Gamble project. We seamed it for Proctor</p> <p>2 and Gamble.</p> <p>3 Q. At the time was this a new</p> <p>4 fabric that you were working on?</p> <p>5 A. No, because I had worked it in</p> <p>6 manual. Groscey.</p> <p>7 Q. You mentioned something about</p> <p>8 training was involved.</p> <p>9 A. They were transferring it from</p> <p>10 the groscey onto the M-3000.</p> <p>11 Q. Okay. So you were simply</p> <p>12 moving the HE-500 fabric from a manual</p> <p>13 seaming machine to the automatic?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. Now, after the meeting</p> <p>16 I think you said that Mr. Johnston told</p> <p>17 you to meet him in his office.</p> <p>18 A. Yes.</p> <p>19 Q. Okay. Did you go?</p> <p>20 A. Yes.</p> <p>21 Q. Was anybody else present for</p> <p>22 this meeting?</p> <p>23 A. Yes.</p>

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16 (Pages 61 to 64)

Page 61	Page 63
<p>1 Q. Who?</p> <p>2 A. Jerelene Forest.</p> <p>3 Q. And who is Ms. Forest?</p> <p>4 A. She was a co-worker.</p> <p>5 Q. Also an operator?</p> <p>6 A. Yes.</p> <p>7 Q. Was she a nap seamer?</p> <p>8 A. Yes.</p> <p>9 Q. Other than Jeff Johnston,</p> <p>10 Jerelene Forest, and yourself, anybody</p> <p>11 else present for this meeting?</p> <p>12 A. No.</p> <p>13 Q. How long did this meeting last</p> <p>14 with Mr. Johnston?</p> <p>15 A. I really -- I don't know. I</p> <p>16 don't know what time.</p> <p>17 Q. What did y'all discuss in this</p> <p>18 meeting?</p> <p>19 A. I really don't know how it</p> <p>20 came about, but I know that he was -- he</p> <p>21 told me that he was going to take me</p> <p>22 upstairs and it was for disciplinary</p> <p>23 actions. So in the process -- first, he</p>	<p>1 write me a letter of apology, and he did</p> <p>2 write it. And during that time he had</p> <p>3 promised me that I would never work on a</p> <p>4 project again. So he -- he had to just</p> <p>5 write me a letter of apology. I don't</p> <p>6 remember exactly what was on the note, but</p> <p>7 he did.</p> <p>8 Q. During this meeting with</p> <p>9 Mr. Johnston, did that take place in his</p> <p>10 office?</p> <p>11 A. It was in the seaming</p> <p>12 supervisor's office.</p> <p>13 Q. In the seaming supervisor's</p> <p>14 office?</p> <p>15 A. Seaming department. Seaming</p> <p>16 supervisor's office.</p> <p>17 Q. At any point during this</p> <p>18 meeting did Mr. Johnston make any</p> <p>19 reference to your race?</p> <p>20 A. No.</p> <p>21 Q. Did he make any racially</p> <p>22 inappropriate remarks?</p> <p>23 A. No.</p>
Page 62	Page 64
<p>1 told Jerelene that she couldn't come in</p> <p>2 the meeting. He told her she couldn't be</p> <p>3 there. She wasn't a shop steward. So --</p> <p>4 when a union steward is not present, we</p> <p>5 also take another member with us. That's</p> <p>6 why I asked her to go in the meeting with</p> <p>7 me.</p> <p>8 So after we got in the</p> <p>9 meeting, he threatened to take me</p> <p>10 upstairs. So I asked him could I use the</p> <p>11 telephone, and he said yes. And I called</p> <p>12 Dot Collins, which was my union steward.</p> <p>13 So I told -- explained to her what was</p> <p>14 going on.</p> <p>15 She asked me could she speak</p> <p>16 with Mr. Johnston. And, in turn, I gave</p> <p>17 him the telephone. And I don't know what</p> <p>18 was said, but he just -- he left me</p> <p>19 alone. He said it was okay for me to go</p> <p>20 back on the floor to work.</p> <p>21 Q. Okay.</p> <p>22 A. So after that, Dot Collins --</p> <p>23 we filed a grievance, and she asked him to</p>	<p>1 Q. Did he tell any racial jokes?</p> <p>2 A. No.</p> <p>3 Q. Okay. Could you overhear what</p> <p>4 Ms. Collins was saying on the telephone</p> <p>5 with Mr. Johnston?</p> <p>6 A. I only heard -- when -- when</p> <p>7 she hung up from Jeff, she, in turn, asked</p> <p>8 for me. He gave me the phone back. She</p> <p>9 told me -- before I -- before I gave him</p> <p>10 the phone, she said, "Dora, no matter</p> <p>11 what, if you have to stay here until I get</p> <p>12 there, do not go upstairs with him." She</p> <p>13 said, "He is getting ready to fire you."</p> <p>14 I said okay, and I gave him the</p> <p>15 telephone.</p> <p>16 She told me she told him that</p> <p>17 you -- told him to calm down. You go</p> <p>18 around the building -- you run around ten</p> <p>19 times if you have to, but leave Dora</p> <p>20 alone.</p> <p>21 Q. All right. At any point in</p> <p>22 this meeting did Mr. Johnston explain to</p> <p>23 you why he was saying he was going to take</p>



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17 (Pages 65 to 68)

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<p>1 you upstairs?</p> <p>2 A. No.</p> <p>3 Q. At any point in this meeting</p> <p>4 did Mr. Johnston tell you that he was</p> <p>5 going to terminate your employment?</p> <p>6 A. No.</p> <p>7 Q. Okay. Now, you say the</p> <p>8 conclusion of all of this was that you</p> <p>9 went back to work and finished your shift?</p> <p>10 A. Yes.</p> <p>11 Q. Then a grievance was filed</p> <p>12 with Dot Collins' assistance?</p> <p>13 A. Yes.</p> <p>14 Q. While you were in this meeting</p> <p>15 with Mr. Johnston, were you on the clock?</p> <p>16 A. Yes.</p> <p>17 Q. So you were paid for all of</p> <p>18 your work that day?</p> <p>19 A. Yes.</p> <p>20 Q. And were paid for your time in</p> <p>21 this meeting?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And the conclusion of</p>	<p>1 action against you?</p> <p>2 A. I don't know.</p> <p>3 Q. At the time this meeting with</p> <p>4 Mr. Johnston occurred we have just been</p> <p>5 discussing, did you believe Mr. Johnston</p> <p>6 was taking this action against you because</p> <p>7 of your race?</p> <p>8 A. No.</p> <p>9 Q. Okay. Is this the only</p> <p>10 grievance that you filed against</p> <p>11 Mr. Johnston during the time that y'all</p> <p>12 worked together at Albany?</p> <p>13 A. No. Before this time --</p> <p>14 before then -- it was beginning -- it was</p> <p>15 shift change, and I was getting ready to</p> <p>16 leave. So at the end of the shift, I was</p> <p>17 finishing a fabric. But he asked me to</p> <p>18 stay and take that fabric down. That was</p> <p>19 one of the processes -- procedures. And I</p> <p>20 did take the fabric down.</p> <p>21 When I was on my way out the</p> <p>22 door, two other operators -- two other</p> <p>23 white operators started saying words --</p>
Page 66	Page 68
<p>1 the grievance -- did the grievance go to</p> <p>2 first step?</p> <p>3 A. It went to first step, because</p> <p>4 -- in other words, first step is I filed</p> <p>5 it. But that's as far as it went, because</p> <p>6 he did do the apology.</p> <p>7 Q. It was a satisfactory</p> <p>8 resolution to you of the grievance to</p> <p>9 receive the letter of apology for</p> <p>10 Mr. Johnston?</p> <p>11 A. I didn't like what went on. I</p> <p>12 didn't like it, but I accepted the</p> <p>13 apology.</p> <p>14 Q. Okay. That was the end of the</p> <p>15 grievance?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. So that matter was</p> <p>18 resolved under the collective bargaining</p> <p>19 agreement?</p> <p>20 A. I guess you could say that.</p> <p>21 Q. All right. At the time this</p> <p>22 meeting occurred, did you -- why did you</p> <p>23 believe Mr. Johnston was taking this</p>	<p>1 having words with me. When I responded --</p> <p>2 I responded, but I left -- I clocked out</p> <p>3 and I went home. Obviously, they stayed</p> <p>4 and talked to Mr. Johnston.</p> <p>5 The next day, when I got to</p> <p>6 work, Mr. Johnston called me in the office</p> <p>7 and he told me not to jump his employees.</p> <p>8 Q. Did he say anything else to</p> <p>9 you?</p> <p>10 A. He said other things, but I</p> <p>11 remember that distinctly. He didn't give</p> <p>12 me the opportunity to express myself. He</p> <p>13 asked me no questions. He didn't ask me</p> <p>14 anything. He just assumed that I was</p> <p>15 guilty. He told me not to jump his</p> <p>16 employees.</p> <p>17 Q. All right. You say this</p> <p>18 occurred prior to the other grievance,</p> <p>19 which was sometime before 2001.</p> <p>20 A. Yes.</p> <p>21 Q. Do you remember what year this</p> <p>22 issue with the shift change occurred?</p> <p>23 A. I don't know what year. I</p>



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18 (Pages 69 to 72)

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<p>1 don't know exactly what year. He was a  2 supervisor at this time.  3 Q. He was the seaming supervisor?  4 A. Yes.  5 Q. So at the time of this  6 incident with the shift change and  7 discussion, Mr. Johnston was the seaming  8 supervisor?  9 A. Yes.  10 Q. Who were the two white  11 operators that were involved?  12 A. Shirley Thornton and Dottie --  13 I don't know what it was -- Brown, I  14 believe.  15 Q. I believe you said as you were  16 leaving -- I guess they were coming to  17 work?  18 A. They were leaving, too, but  19 they approached me. Some -- I don't know  20 -- I don't remember. All I know is that  21 they approached me when I was getting  22 ready to clock out.  23 Q. What did they say to you?</p>	<p>1 Ms. Thornton or Ms. Brown went to make a  2 report to Mr. Johnston?  3 A. I did know that.  4 Q. You were not present for  5 any --  6 A. No.  7 Q. So you do not know what  8 Ms. Thornton or Ms. Brown may have said to  9 Mr. Johnston?  10 A. No.  11 Q. At any point during this  12 meeting with Mr. Johnston the following  13 day, did he discipline you in any way?  14 A. He called me in the office and  15 he told me not to jump his employees.  16 Q. Did Mr. Johnston write you up  17 on this occasion?  18 A. No.  19 Q. Did you receive any type of  20 formal disciplinary action under any of  21 Albany's plant rules?  22 A. No.  23 Q. Did Mr. Johnston at any point</p>
Page 70	Page 72
<p>1 A. It was that -- let me see how  2 they put it. It was pertaining to the  3 take down, and -- I don't remember what it  4 was, but it was pertaining to the -- to my  5 taking the wire down.  6 Q. What did you say to them?  7 A. I don't even remember. I know  8 that words were exchanged, and the next  9 day I got reprimanded.  10 Q. When you say words were  11 exchanged, pleasant conversation,  12 argument?  13 A. No. It was unpleasant.  14 Q. Did anybody use any profanity  15 in this exchange?  16 A. I don't remember that.  17 Q. Did anybody in this exchange  18 make any references to your race?  19 A. I don't remember that.  20 Q. Did anybody in this exchange  21 make any racially inappropriate remarks?  22 A. I don't remember.  23 Q. Do you know whether or not</p>	<p>1 during this meeting make any reference to  2 your race?  3 A. No.  4 Q. Did he make any racially  5 inappropriate remarks?  6 A. No.  7 Q. Did Mr. Johnston tell any  8 racial jokes in this meeting?  9 A. No.  10 Q. Do you believe that  11 Mr. Johnston made these comments to you in  12 the office because of your race?  13 A. I can't say why he did it.  14 Q. Did Mr. Johnston tell you why  15 he did it?  16 A. No, he didn't.  17 Q. Okay. Did you file a  18 grievance arising out of this situation  19 with Shirley Thornton and Dottie Brown?  20 A. In the meeting I had  21 remembered that George Kazalay said his  22 door was always opened. It bothered me  23 that -- why wasn't I asked a question.</p>

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20 (Pages 77 to 80)

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<p>1 was really causing me not to be able to  2 operate it. And Tim told me to go get my  3 pill bottle, he wanted to see it.  4 He looked at the pill bottle.  5 He said, "Oh, you can run to the machine."  6 I went to the phone and I called  7 Mr. Kazalay. Mr. Kazalay told me that  8 there was a chain of command, and that was  9 the end of that.  10 Q. So what happened after you  11 called Mr. Kazalay?  12 A. He told me there was a chain  13 of command.  14 Q. Did you go back to work?  15 A. Yes. I went back to -- I went  16 back to the machine. And I went to  17 another operator, which was Mamie Long,  18 and I told her to watch out for me because  19 I had had medicine and I didn't know what  20 might happen in the process.  21 Q. Did you finish your shift?  22 A. Yes.  23 Q. Did anything bad happen?</p>	<p>1 Johnson. Jewel Johnson, I believe.  2 Q. Was Mr. Kazalay plant manager  3 when Mr. Johnston was your seeming  4 supervisor?  5 A. Yes.  6 Q. Was Mr. Kazalay, for lack of a  7 better way to describe it, the big boss in  8 Montgomery for most of the -- up until  9 close to the time that you left the  10 company?  11 A. Yes.  12 Q. Okay.  13 MS. WILLIAMS: Do you need a  14 break?  15 THE WITNESS: I'm getting  16 tired. I'm really getting tired.  17 MS. WILLIAMS: Can we take a  18 break for a few minutes? Let's take a  19 break.  20 THE WITNESS: Just tired. I  21 feel sleepy.  22 MS. WILLIAMS: Let's take a  23 break.</p>
Page 78	Page 80
<p>1 A. I was -- just druggish.  2 Q. Well, you finished your shift?  3 A. I finished my shift.  4 Q. Any problems with the fabric  5 that day?  6 A. No.  7 Q. Were you able to finish out  8 your job duties for the day?  9 A. Yes.  10 Q. At any point while you worked  11 with Mr. Kazalay, did you ever go to  12 Mr. Kazalay and tell him that you thought  13 you were having issues with Jeff Johnston?  14 A. No.  15 Q. Did you ever go to Mr. Kazalay  16 and tell him you thought anybody at the  17 plant was treating you differently because  18 of your race?  19 A. No.  20 Q. Okay. Do you know who your  21 immediate supervisor was when Mr. Kazalay  22 became plant manager?  23 A. Wow. I believe it was Jewel</p>	<p>1 THE WITNESS: I just feel real  2 sleepy.  3 MS. WILLIAMS: Do you want to  4 get up?  5 THE WITNESS: Just like I'm  6 going to fall asleep.  7 MS. WILLIAMS: Let's walk  8 around and get some water. Are you okay?  9 THE WITNESS: Uh-huh.  10 MS. WILLIAMS: Are you sure?  11 THE WITNESS: Uh-huh (Nodding  12 head).  13 10:35 AM  14 (Short recess)  15 10:53 AM  16 Q. (BY MR. POWELL) Are you ready?  17 A. Yes.  18 Q. Okay. When we took a break,  19 we were talking a little bit about George  20 Kazalay. At any point during your  21 employment at Albany with Mr. Kazalay, do  22 you believe Mr. Kazalay took any action  23 against you because of your race?</p>

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19 (Pages 73 to 76)

Page 73	Page 75
<p>1 Why wasn't I asked what happened, you  2 know. I was -- somebody was accusing me.  3 So I asked -- I asked Nat  4 Jones. He came to the department, I asked  5 him what is -- I asked him for the number  6 -- how do I get in touch with George  7 Kazalay. He gave me the number.  8 When I dialed Mr. Kazalay, I  9 got -- I don't know his -- he know it was  10 John. He don't live there -- he had left  11 the company, and he was the production  12 manager at the time. So he didn't come  13 down right then. It took about two  14 weeks.  15 So finally he came and he  16 tried talking to me on the floor, but the  17 machines are noisy, I asked him -- "Let's  18 step in the cafeteria." We stepped in the  19 cafeteria and I explained to him what  20 happened. And he told me that he was  21 going to make Jeff apologize to me.  22 So one day Jeff came on the  23 floor, and he apologized to me.</p>	<p>1 given rang to somebody else's office?  2 A. Yes.  3 Q. Did you leave a message on  4 that answering machine?  5 A. Yes, I left a message.  6 Q. For Mr. Kazalay?  7 A. Yes.  8 Q. Did you go back and tell  9 Mr. Jones he had given you the wrong phone  10 number?  11 A. No, because -- I believe I  12 received -- anyway, I left a message. But  13 later on John called back for me in the  14 department. I explained to him what went  15 on. And then he came to the department  16 and we sat -- well, I told him that I was  17 the one who called. I was calling  18 Mr. Kazalay. He took the place of  19 Mr. Kazalay. He was the one that came to  20 the seaming department to talk to me.  21 Q. Did you speak with Mr. Kazalay  22 directly?  23 A. No. I never spoke to</p>
Page 74	Page 76
<p>1 Q. Okay.  2 A. That was it.  3 Q. All right. Now, you say --  4 who is George Kazalay?  5 A. He was the plant manager at  6 the time.  7 Q. Okay. And how long was  8 Mr. Kazalay the plant manager?  9 A. I don't know.  10 Q. Was Mr. Kazalay still the  11 plant manager at the time you left the  12 company?  13 A. No.  14 Q. Do you know how long -- how  15 far in advance of that -- the end of your  16 employment that Mr. Kazalay left?  17 A. Approximately less than six  18 months.  19 Q. Now, you say you went and  20 asked Nat Jones for Mr. Kazalay's  21 telephone number.  22 A. Yes.  23 Q. The phone number you were</p>	<p>1 Mr. Kazalay.  2 Q. I thought you told me a minute  3 ago that Mr. Kazalay said that he was  4 going to make Mr. Johnston apologize.  5 A. John -- John did. I can't  6 remember his name -- his last name.  7 Q. John told you that Mr. Kazalay  8 said --  9 A. No. John told me that he was  10 going to have -- make Jeff apologize to  11 me.  12 Q. At any point during your  13 employment, did you ever go directly to  14 George Kazalay to report any concerns at  15 work?  16 A. I called Mr. Kazalay on the  17 phone, because I was under -- I had -- I  18 was taking medicine, and I was on the  19 machine running it. I was very light  20 headed and sleepy.  21 And I told Tim Woodward that I  22 believe the medicine -- I didn't need to  23 be on the machine, because the medicine</p>

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21 (Pages 81 to 84)

Page 81	Page 83
<p>1 A. No.</p> <p>2 Q. Did you ever make any</p> <p>3 complaints directly to Mr. Kazalay about</p> <p>4 Jeff Johnston?</p> <p>5 A. No.</p> <p>6 Q. You said at some point</p> <p>7 Mr. Kazalay -- you had heard Mr. Kazalay</p> <p>8 say that his door was always open.</p> <p>9 A. (Nods head)</p> <p>10 Q. Correct?</p> <p>11 A. Yes.</p> <p>12 Q. Do you recall when you heard</p> <p>13 him say that?</p> <p>14 A. This was when he first came to</p> <p>15 work for Albany in Montgomery.</p> <p>16 Q. Did he get there in 1989?</p> <p>17 Does that sound about right?</p> <p>18 A. Did he get there in 1999?</p> <p>19 Q. '89.</p> <p>20 A. '89. Possibly.</p> <p>21 Q. Okay. But he was there for a</p> <p>22 long time?</p> <p>23 A. Yes.</p>	<p>1 office in the plant?</p> <p>2 A. I really don't know. It was</p> <p>3 up front upstairs, but I don't know.</p> <p>4 Q. Okay. Now, when you say up</p> <p>5 front --</p> <p>6 A. It --</p> <p>7 Q. -- is there an office area in</p> <p>8 the front of the plant?</p> <p>9 A. Yes.</p> <p>10 Q. And from the seaming</p> <p>11 department, can you see the area of the</p> <p>12 plant where the business offices are?</p> <p>13 A. No.</p> <p>14 Q. Okay. How far, just walk</p> <p>15 wise, to get from where your work area was</p> <p>16 up to the office area?</p> <p>17 A. I don't know.</p> <p>18 Q. Okay. Did you ever try to</p> <p>19 just go to Mr. Kazalay's office to report</p> <p>20 any concerns about work?</p> <p>21 A. No.</p> <p>22 Q. Okay. You mentioned an</p> <p>23 individual named John, and you couldn't</p>
Page 82	Page 84
<p>1 Q. And at the time Mr. Kazalay</p> <p>2 first came to Montgomery, you heard him</p> <p>3 say that his door was always open?</p> <p>4 A. Yes.</p> <p>5 Q. All right. At any point</p> <p>6 during the time that you worked with</p> <p>7 Mr. Kazalay, did you ever go to</p> <p>8 Mr. Kazalay to complain that you thought</p> <p>9 you had been treated differently because</p> <p>10 of your race?</p> <p>11 A. No.</p> <p>12 Q. Did you ever go tell</p> <p>13 Mr. Kazalay you thought you were being</p> <p>14 harassed in any fashion by anybody at the</p> <p>15 company?</p> <p>16 A. Well, when I called his office</p> <p>17 and he told me there was a chain of</p> <p>18 command, that's what I wanted to do was</p> <p>19 complain then.</p> <p>20 Q. That was related to you being</p> <p>21 on some medication and --</p> <p>22 A. Yes.</p> <p>23 Q. Okay. Where was Mr. Kazalay's</p>	<p>1 remember his last name.</p> <p>2 A. Last name, right.</p> <p>3 Q. And do you recall what John's</p> <p>4 position was in the Montgomery plant?</p> <p>5 A. I believe he was the</p> <p>6 production manager.</p> <p>7 Q. Do you believe that John ever</p> <p>8 took any action against you because of</p> <p>9 your race?</p> <p>10 A. No.</p> <p>11 Q. Do you believe that John ever</p> <p>12 engaged in any harassing behavior towards</p> <p>13 you?</p> <p>14 A. No.</p> <p>15 Q. Ever hear John make any</p> <p>16 racially inappropriate remarks?</p> <p>17 A. No.</p> <p>18 Q. Ever hear John tell any racial</p> <p>19 jokes?</p> <p>20 A. No.</p> <p>21 Q. Ever make any effort to</p> <p>22 complain to John about any employee in the</p> <p>23 Albany plant?</p>



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22 (Pages 85 to 88)

Page 85	Page 87
<p>1 A. Once. Jeff Johnston.</p> <p>2 Q. That was the time when you</p> <p>3 thought you were getting Mr. Kazalay's</p> <p>4 number from Nat Jones, but you got into</p> <p>5 John's voicemail?</p> <p>6 A. Yes.</p> <p>7 Q. Then John came and met with</p> <p>8 you?</p> <p>9 A. Yes.</p> <p>10 Q. And said that he would have</p> <p>11 Jeff Johnston apologize to you?</p> <p>12 A. Yes.</p> <p>13 Q. All right. Now, when you met</p> <p>14 with John, did you indicate to him that</p> <p>15 you thought your race in any way had</p> <p>16 played a part in the events that led you</p> <p>17 to make that phone call?</p> <p>18 A. I indicated that -- you know,</p> <p>19 why would Jeff not question me and allow</p> <p>20 the two white women to do that.</p> <p>21 Q. Did you tell John in this</p> <p>22 meeting that you thought that the reason</p> <p>23 Mr. Johnston didn't allow you to ask</p>	<p>1 that incident with Mr. Johnston?</p> <p>2 A. No.</p> <p>3 Q. Okay. Make any effort to go</p> <p>4 to George Kazalay?</p> <p>5 A. I did, but I got John in the</p> <p>6 place.</p> <p>7 Q. All right. Other than the</p> <p>8 grievance related to the HE-500 fabric and</p> <p>9 then this incident involving Shirley</p> <p>10 Thornton and Dottie Brown, any other</p> <p>11 complaints of any sort that you tried to</p> <p>12 make concerning Mr. Johnston during your</p> <p>13 employment with Albany?</p> <p>14 A. I don't remember.</p> <p>15 Q. Okay. Now, given that you</p> <p>16 filed a lawsuit, do you believe</p> <p>17 Mr. Johnston ever took any action against</p> <p>18 you because of your race?</p> <p>19 A. Yes.</p> <p>20 Q. What did he do?</p> <p>21 A. In these incidents he would</p> <p>22 always chastise me.</p> <p>23 Q. What incidents?</p>
Page 86	Page 88
<p>1 questions was because of your race?</p> <p>2 A. I didn't say he didn't allow</p> <p>3 me to ask questions. I wondered why Jeff</p> <p>4 didn't ask me what happened or questioned</p> <p>5 me as to what happened in that incident.</p> <p>6 Just to assume that I was guilty, and just</p> <p>7 ask me not to jump the employees -- his</p> <p>8 employees.</p> <p>9 Q. Did you tell John in this</p> <p>10 meeting that you thought Mr. Johnston had</p> <p>11 taken that action because of your race?</p> <p>12 A. No, I didn't.</p> <p>13 Q. Did you believe Mr. Johnston</p> <p>14 had taken that action because of your</p> <p>15 race?</p> <p>16 A. At the time, I did.</p> <p>17 Q. All right. Other than talking</p> <p>18 to John, you didn't file a grievance under</p> <p>19 the collective bargaining agreement over</p> <p>20 that issue?</p> <p>21 A. No.</p> <p>22 Q. All right. Did you make any</p> <p>23 effort to complain to Mr. Bryant about</p>	<p>1 A. Incidents in the meeting</p> <p>2 room. One morning I went to -- one</p> <p>3 morning I was out of town and Tim Woodward</p> <p>4 decided that I had -- insubordination. I</p> <p>5 got a -- I think I got a certified</p> <p>6 letter. I got a phone call saying that I</p> <p>7 was to meet in his office.</p> <p>8 Q. Whose office?</p> <p>9 A. Jeff Johnston -- it wasn't his</p> <p>10 office. It was the supervisor's office.</p> <p>11 And -- the next morning. And the next</p> <p>12 morning, when I tried to explain myself,</p> <p>13 he just told me that I was given three</p> <p>14 days off.</p> <p>15 Q. When did this three-day</p> <p>16 suspension occur?</p> <p>17 A. I don't remember.</p> <p>18 Q. Do you remember what</p> <p>19 Mr. Johnston's job was at the time?</p> <p>20 A. Department manager. I believe</p> <p>21 it was department manager.</p> <p>22 Q. Who sent you a certified</p> <p>23 letter?</p>



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23 (Pages 89 to 92)

Page 89	Page 91
<p>1 A. Albany International,  2 Montgomery plant.  3 Q. What did it say?  4 A. It -- wait. I don't remember  5 exactly what it said. But it was telling  6 me that because of disciplinary action, I  7 would have to be -- take three days off.  8 I would have to be off three days.  9 Q. What were you disciplined for?  10 A. I was getting off -- I was  11 fixing to get off. I was on my way out  12 the door. Tim Woodward, who was the  13 supervisor, he just ran up to me and he  14 said, "Dora, sign this ticket." I said,  15 "Okay, Tim, I have already signed the  16 ticket." He said, "Put on the ticket no  17 holes, no damage." I said, "Tim, I can't  18 do that. I can't say there is no holes  19 and no damage in that fabric." He said,  20 "But I need you to sign the ticket." I  21 said, "Tim, I can't sign the ticket,  22 because I can't say there is no holes and  23 no damage on that fabric."</p>	<p>1 Q. All right. During your  2 meeting with Mr. Johnston, did he make any  3 reference to your race?  4 A. No, he didn't.  5 Q. Did he tell you that you were  6 being disciplined for insubordination  7 because of your race?  8 A. No, he didn't.  9 Q. Did you ask him if you were  10 being disciplined for insubordination  11 because of your race?  12 A. No.  13 Q. Did you believe that you were  14 being disciplined because of your race?  15 A. Yes.  16 Q. Did you make any effort to go  17 see Mr. Bryant after you were disciplined  18 and complain to him that you thought you  19 were being treated differently because of  20 your race?  21 A. No.  22 Q. Did you make any effort to go  23 complain to Mr. Kazalay about this</p>
Page 90	Page 92
<p>1 And I didn't sign the ticket,  2 and that was insubordination. So that's  3 what I was told, it was insubordination,  4 and I was reprimanded for that.  5 Q. So you were reprimanded for  6 not signing a ticket that Tim Woodward  7 asked you to sign?  8 A. Yes.  9 Q. During your conversation with  10 Mr. Woodward about this ticket, did he  11 make any reference to your race?  12 A. No.  13 Q. Did he tell you that he was  14 asking you to sign it because you are  15 black?  16 A. No.  17 Q. Do you know who made the  18 decision to discipline you for  19 insubordination?  20 A. Jeff Johnston.  21 Q. How do you know that?  22 A. Because he was the one who I  23 had to go to and see.</p>	<p>1 discipline?  2 A. No.  3 Q. Did you file a grievance?  4 A. No -- oh, yes. A grievance  5 was filed about that insubordination.  6 Q. And what was the outcome of  7 the grievance?  8 A. You know, I don't remember  9 that either.  10 Q. Do you remember who your union  11 representative was for the grievance?  12 A. I think it was Dot Collins.  13 Q. Do you remember how many steps  14 in the grievance process you went through?  15 A. I don't remember.  16 Q. Do you remember what year this  17 occurred?  18 A. No.  19 Q. Was it in the 1990s?  20 A. It was in the 2000s. Probably  21 2000.  22 Q. You think it was around 2000?  23 A. Yes.</p>

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24 (Pages 93 to 96)

Page 93	Page 95
<p>1 Q. And following the three-day  2 suspension, did you return to your job in  3 the seaming department?  4 A. Yes.  5 Q. Do you know of anyone else in  6 the Montgomery plant who has ever been  7 disciplined for insubordination?  8 A. No.  9 Q. Now, we got on that topic  10 because I asked you what it is you believe  11 Mr. Johnston had done towards you because  12 of your race. You told me about this  13 three-day suspension involving  14 Mr. Woodward, and then you mentioned that  15 he would chastise you. But I want to make  16 sure that I get from you a complete list  17 of everything that you claim Mr. Johnston  18 did to you because of your race.  19 So we have got the three-day  20 suspension. Just give me a list of  21 anything else that you claim Mr. Johnston  22 did to you because of your race.  23 A. He didn't allow me to -- he</p>	<p>1 you that you can't read a magazine in his  2 meetings as the events where you allege  3 Mr. Johnston treated you differently  4 because of your race.  5 A. Yes.  6 Q. Are there any other actions by  7 Mr. Johnston during your employment with  8 Albany that you believe were motivated by  9 your race?  10 A. I don't remember.  11 Q. Is there anything that I can  12 do to refresh your memory so I can get a  13 complete list from you today?  14 A. I don't know.  15 Q. We have talked about the  16 three-day suspension. What projects did  17 he not allow you to participate in?  18 A. I used to be a lead, and they  19 just stopped -- I wasn't allowed to be a  20 lead anymore. Assistant lead. Maybe I  21 should say assistant lead.  22 Q. When were you an assistant  23 lead?</p>
Page 94	Page 96
<p>1 didn't allow me to, you know, just -- just  2 partake in like projects. During the time  3 that we was in this meeting and we had a  4 magazine -- the girl was reading a  5 magazine -- she was white -- Dottie.  6 And as soon as I touched the  7 magazine, he told me, "You can't read a  8 magazine in my meeting." But I wasn't  9 reading a magazine.  10 Q. Anything else?  11 A. I don't remember anything  12 else. Not right now, anyway.  13 Q. Well, did you keep a list  14 anywhere of actions by Mr. Johnston that  15 you believe occurred because of your race?  16 A. No, I didn't.  17 Q. Did you keep a diary while you  18 worked with Albany?  19 A. No, I didn't.  20 Q. Okay. As you sit here today  21 you have been able to identify a three-day  22 suspension, Mr. Johnston did not allow you  23 to partake in some projects, and he told</p>	<p>1 A. I don't remember.  2 Q. Were you an assistant lead in  3 the seaming department?  4 A. In the seaming department.  5 Q. Who was your supervisor at the  6 time you were an assistant lead?  7 A. I believe it was Tim  8 Woodward. It started out with Nat Jones  9 and finished up with Tim Woodward, I  10 believe.  11 Q. How did you become an  12 assistant lead in the seaming department?  13 A. I was asked. I don't remember  14 who I was asked by. I was asked to  15 assist.  16 Q. Somebody asked you to become  17 assistant lead, but you don't recall who?  18 A. I don't remember who.  19 Q. Okay. How long did you serve  20 as an assistant lead in the seaming  21 department?  22 A. I don't remember that either.  23 Q. Why did you stop being an</p>

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25 (Pages 97 to 100)

Page 97	Page 99
<p>1 assistant lead in the seaming department?</p> <p>2 A. I was just told I couldn't be</p> <p>3 a lead anymore.</p> <p>4 Q. Who told you that you could</p> <p>5 not be an assistant lead in the seaming</p> <p>6 department anymore?</p> <p>7 A. Tim Woodward.</p> <p>8 Q. Did Mr. Woodward tell you why</p> <p>9 you were no longer going to be assistant</p> <p>10 lead in the seaming department?</p> <p>11 A. No.</p> <p>12 Q. Did you ask Mr. Woodward why</p> <p>13 you were no longer going to be assistant</p> <p>14 lead in the seaming department?</p> <p>15 A. I asked him what happened. He</p> <p>16 said, "We cut it out."</p> <p>17 Q. He told you that the company</p> <p>18 cut out the assistant lead position?</p> <p>19 A. Yes.</p> <p>20 Q. Were there any other assistant</p> <p>21 leads at the --</p> <p>22 A. Yes.</p> <p>23 Q. Let me finish my question.</p>	<p>1 every three weeks?</p> <p>2 A. Yes.</p> <p>3 Q. So you would be on first shift</p> <p>4 for a period of time and then you would</p> <p>5 rotate either to second or to third. I'm</p> <p>6 not sure which way the rotation went.</p> <p>7 A. First to midnight, midnight to</p> <p>8 second.</p> <p>9 Q. You would rotate between --</p> <p>10 among all three shifts?</p> <p>11 A. Yes.</p> <p>12 Q. And nobody just had day shift,</p> <p>13 at least, not normally?</p> <p>14 A. Not in that department.</p> <p>15 Q. All right. And Hazel Johnson,</p> <p>16 who was the other assistant lead, do you</p> <p>17 know -- she was on a different group from</p> <p>18 you?</p> <p>19 A. Yes.</p> <p>20 Q. All right. Now, Mr. Woodward,</p> <p>21 as I understand it, told you that the</p> <p>22 company cut out the assistant lead</p> <p>23 position.</p>
Page 98	Page 100
<p>1 Were there any other assistant</p> <p>2 leads at the same time that you were</p> <p>3 assistant lead?</p> <p>4 A. Yes.</p> <p>5 Q. In the seaming department?</p> <p>6 A. Yes.</p> <p>7 Q. How many?</p> <p>8 A. I know one. One. I believe</p> <p>9 one.</p> <p>10 Q. Who was that?</p> <p>11 A. Hazel Johnson.</p> <p>12 Q. At the time you stopped being</p> <p>13 an assistant lead, did Ms. Johnson also</p> <p>14 stop being assistant lead?</p> <p>15 A. No.</p> <p>16 Q. Was she on your shift?</p> <p>17 A. No.</p> <p>18 Q. What shift were you on at the</p> <p>19 time you were an assistant lead?</p> <p>20 A. We rotated, so -- it varies.</p> <p>21 Q. Well, you were -- you worked</p> <p>22 with a particular group of employees in</p> <p>23 seaming, and your group rotated -- was it</p>	<p>1 A. Yes.</p> <p>2 Q. But you don't remember when</p> <p>3 that occurred?</p> <p>4 A. No, I don't.</p> <p>5 Q. Do you know who made the</p> <p>6 decision to eliminate your job as an</p> <p>7 assistant lead?</p> <p>8 A. No.</p> <p>9 Q. Do you believe your position</p> <p>10 as an assistant lead was eliminated</p> <p>11 because of your race?</p> <p>12 A. Because of me.</p> <p>13 Q. It was eliminated because of</p> <p>14 you?</p> <p>15 A. Me, the person.</p> <p>16 Q. You don't believe that the</p> <p>17 assistant lead position was eliminated</p> <p>18 because you were black?</p> <p>19 A. I believe that it played a</p> <p>20 role.</p> <p>21 Q. All right. How so?</p> <p>22 A. Because I have been harassed</p> <p>23 throughout the department since the time</p>

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26 (Pages 101 to 104)

Page 101	Page 103
<p>1 Jeff Johnston became my supervisor.</p> <p>2 Q. You have been harassed in the</p> <p>3 seaming department?</p> <p>4 A. I was harassed from Jeff</p> <p>5 Johnston ever since he has been in that</p> <p>6 department.</p> <p>7 Q. What about prior to</p> <p>8 Mr. Johnston; any harassment prior to</p> <p>9 Mr. Johnston getting in the department?</p> <p>10 A. I had problems with Jewel.</p> <p>11 Jewel harassed me, too.</p> <p>12 Q. With Jewel?</p> <p>13 A. Jewel Johnson.</p> <p>14 Q. Jewel Johnson. Other than</p> <p>15 Jewel Johnson and Jeff Johnston, anybody</p> <p>16 else at Albany that you believe has</p> <p>17 harassed you in any way?</p> <p>18 A. As far as jeopardizing my job,</p> <p>19 they are the only two.</p> <p>20 Q. I'm asking in any way ,</p> <p>21 whether it jeopardized your job or not.</p> <p>22 A. We had other people that made</p> <p>23 racial slurs.</p>	<p>1 Ms. Johnson telling you to go to the back</p> <p>2 of the line somewhere in 1979, 1980, did</p> <p>3 Ms. Johnson ever make any other racial</p> <p>4 slurs in your presence?</p> <p>5 A. I don't remember.</p> <p>6 Q. Other than Ms. Johnson and</p> <p>7 this telling you to go to the back of the</p> <p>8 line, list for me every other Albany</p> <p>9 employee that you allege made a racial</p> <p>10 slur.</p> <p>11 A. When I first went to the</p> <p>12 weaver, it was like Jimmy Dix. I heard</p> <p>13 them talking about hanging Tony Harris.</p> <p>14 Taking him down the road and hanging him.</p> <p>15 I heard about nooks, whatever you call</p> <p>16 it -- noose.</p> <p>17 Q. Who else?</p> <p>18 A. Sometimes it would be a room</p> <p>19 full of them, and I would just -- when</p> <p>20 they make their jokes, being a woman, I</p> <p>21 would walk out. I would just leave and go</p> <p>22 some place else and leave my lunch. It</p> <p>23 was usually like a lunch break.</p>
Page 102	Page 104
<p>1 Q. You are not accusing -- are</p> <p>2 you accusing Mr. Johnston of making any</p> <p>3 racial slurs?</p> <p>4 A. No.</p> <p>5 Q. Are you accusing Jewel Johnson</p> <p>6 of making any racial slurs?</p> <p>7 A. Well, I heard her.</p> <p>8 Q. What did you hear her say?</p> <p>9 A. She told me to go to the back</p> <p>10 of the line. I should have been in the</p> <p>11 back of the line.</p> <p>12 Q. When did Jewel Johnson tell</p> <p>13 you that you should have been in the back</p> <p>14 of the line?</p> <p>15 A. That's been -- it was a long</p> <p>16 time. Like when I first went to work at</p> <p>17 Albany.</p> <p>18 Q. 1979, 1980?</p> <p>19 A. Between 1979 and '80,</p> <p>20 something like that. It was during that</p> <p>21 time. But I was in the seaming</p> <p>22 department.</p> <p>23 Q. All right. Other than</p>	<p>1 Q. I want names of the people</p> <p>2 that you heard make racial slurs.</p> <p>3 A. I can't remember all of the</p> <p>4 peoples, but it would be a shift. I don't</p> <p>5 remember the names. But I remember Jimmy</p> <p>6 Dix in particular.</p> <p>7 Q. All right. So you claim to</p> <p>8 have heard Jimmy Dix say he was going to</p> <p>9 take Tony Harris down the road and hang</p> <p>10 him?</p> <p>11 A. Yes.</p> <p>12 Q. That happened right after you</p> <p>13 moved to the weave room?</p> <p>14 A. I was working in the weaving</p> <p>15 department. I don't know whether it was</p> <p>16 right after I was hired or later, but I</p> <p>17 was working in the weaving department.</p> <p>18 Q. As I understand it, the only</p> <p>19 time that you worked in the weaving</p> <p>20 department would have been as a worker bee</p> <p>21 when you were first hired.</p> <p>22 A. Yes.</p> <p>23 Q. When in 1979 were you hired?</p>



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27 (Pages 105 to 108)

Page 105	Page 107
<p>1 A. I was hired in March the 12th,  2 1979.  3 Q. You moved to the seaming  4 department somewhere by September or  5 October of 1980. You told me you were --  6 A. About a year and a half in the  7 seaming department.  8 Q. So you would have been a  9 worker bee when you heard Jimmy Dix make  10 this comment about Tony Harris?  11 A. Yes.  12 Q. Was Jeff Johnston working in  13 the plant at the time?  14 A. No.  15 Q. Did you go report that to  16 anybody at the company?  17 A. No.  18 Q. Other than Jewel Johnson  19 telling you to go back to the back of the  20 line, and Jimmy Dix making this comment  21 about Tony Harris, can you name any other  22 employee of Albany International that you  23 have ever heard make a racial slur in the</p>	<p>1 A. I don't remember.  2 Q. Okay. I tell you what.  3 Exhibit 5 earlier was the training record  4 that you identified your signature. It  5 looks like from this document that you  6 went through your training with Dana  7 Champagne on January the 10th, 2001,  8 correct?  9 A. Yes.  10 Q. Okay. After this training  11 session on January the 10th, 2001, can you  12 name any Albany International employee you  13 heard make a racial slur?  14 A. I can't name one, because I  15 don't remember. But when I hear things, I  16 walk away.  17 Q. All right.  18 A. I don't -- I don't sit in the  19 midst or stay in the midst.  20 Q. After this training session on  21 January the 10th, 2001, can you identify  22 for me any slur -- racial slur you heard  23 made in the Montgomery plant?</p>
Page 106	Page 108
<p>1 plant?  2 A. I don't remember anymore.  3 Q. Okay. Do you have a list of  4 names anywhere?  5 A. No.  6 Q. All right. Even if you can't  7 tell me who said it, are there other  8 racial slurs that you believe you have  9 heard in the plant?  10 A. I have heard other racial  11 slurs. I have heard other racial slurs.  12 I have heard them.  13 Q. Tell me what you heard.  14 A. I won't quote what I heard. I  15 don't -- I can't quote what I have heard,  16 but I have heard racial slurs.  17 Q. When?  18 A. It was -- been down -- really,  19 down through the years of my employment.  20 Q. 2003, your last -- the last  21 year which you worked with the company,  22 did you hear anybody in 2003 make a racial  23 slur at Albany International?</p>	<p>1 A. No, I can't identify it.  2 Q. Are you alleging in this  3 lawsuit that after this training on  4 January the 10th, 2001, any racial slurs  5 were made in your presence in the  6 Montgomery plant?  7 A. Yes.  8 Q. By whom?  9 A. Different people, but I don't  10 remember. I just told you, I don't sit up  11 -- I don't sit in the midst.  12 Q. Okay. Did any of these racial  13 slurs that you heard in the Montgomery  14 plant have any impact on your ability to  15 do your job at Albany?  16 A. I didn't like it, you know,  17 no.  18 Q. You didn't like it, but none  19 of these slurs had any effect on your  20 ability to do your job?  21 A. No.  22 Q. All right. Did you go to Ted  23 Bryant in Human Resources and complain</p>



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28 (Pages 109 to 112)

Page 109	Page 111
<p>1 about any of these slurs that you heard in  2 the plant?  3 A. No.  4 Q. Did you go to George Kazalay  5 and report any of these slurs?  6 A. No.  7 Q. All right. And as you sit  8 here today, you cannot describe for me a  9 single slur that you heard between January  10 the 10th, 2001, and the end of your  11 employment with Albany in October of 2003?  12 A. I remember racial slurs, and I  13 cannot tell you.  14 Q. You can't tell me what they  15 were or who said them?  16 A. What they were -- I know of a  17 couple of people, but I can't tell you  18 what they were or remember them.  19 Q. Who were the couple of  20 people? Are you referring to Jewel  21 Johnson and Jimmy Dix?  22 A. I remember Dottie Brown. I  23 remember Shirley Howard.</p>	<p>1 A. Second time.  2 Q. Second time. All right. And  3 did you say what Ms. Brown's job was at  4 the time?  5 A. Seaming.  6 Q. Do you remember who your  7 supervisor was in seaming at the time?  8 A. I don't remember whether it  9 was Nat Jones or -- I don't know. I don't  10 remember. Nat Jones possibly.  11 Q. All right. Did you go to  12 Mr. Bryant or anyone in Human Resources at  13 Albany to report this slur that you claim  14 you heard Ms. Brown make?  15 A. No.  16 Q. Why not?  17 A. I walk away from things like  18 that.  19 Q. Did you go to George Kazalay  20 and report what you believe you heard  21 Ms. Brown say?  22 A. No.  23 Q. This comment that Ms. Brown</p>
Page 110	Page 112
<p>1 Q. Anybody else?  2 A. No.  3 Q. All right. What do you  4 remember about Dottie Brown?  5 A. I don't remember exact -- I  6 just don't remember. But I remember  7 slurs -- racial slurs. I don't remember  8 what was said or how it was said.  9 Q. Are you claiming that Dottie  10 Brown made some racial slur?  11 A. Dottie Brown, Shirley Howard.  12 Q. When did you hear Dottie Brown  13 make a racial slur?  14 A. I can't remember that. I  15 don't know that. I don't remember that  16 date or that hour.  17 Q. What --  18 A. I don't remember that.  19 Q. What job did you have when you  20 heard Ms. Brown make a racial slur?  21 A. Seaming.  22 Q. Your first time in the seaming  23 department?</p>	<p>1 said, did it in any way impact your  2 ability to do your job at Albany?  3 A. No.  4 Q. Did it affect your life in any  5 way?  6 A. It was an insult,  7 humiliating. I was humiliated.  8 Q. Did you go see a doctor about  9 it?  10 A. No.  11 Q. What did Shirley Howard say?  12 A. I don't remember.  13 Q. When did Shirley Howard say  14 it?  15 A. During the time we were  16 together. I don't remember that time  17 either.  18 Q. Do you remember who your  19 supervisor was?  20 A. Probably Nat Jones.  21 Q. All right. You don't remember  22 what Ms. Howard said, you don't remember  23 when she said it, but you think it was</p>

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29 (Pages 113 to 116)

Page 113	Page 115
<p>1 somehow racial?</p> <p>2 A. Yes.</p> <p>3 Q. All right. Was Ms. Howard's</p> <p>4 comment before or after this training</p> <p>5 meeting with Ms. Champagne?</p> <p>6 A. I don't remember.</p> <p>7 Q. Okay. Before or after your</p> <p>8 August the 19th, 1998, training session on</p> <p>9 the harassment policy?</p> <p>10 A. After.</p> <p>11 Q. You think it was after 1998?</p> <p>12 A. 1998 -- I don't remember the</p> <p>13 dates.</p> <p>14 Q. If you don't know, don't</p> <p>15 guess. Just say, "I don't know."</p> <p>16 A. I don't know.</p> <p>17 Q. All right. Did you make any</p> <p>18 effort to contact anyone in Human</p> <p>19 Resources at Albany to report what you</p> <p>20 allege Ms. Howard said?</p> <p>21 A. No.</p> <p>22 Q. Did you make any effort to</p> <p>23 contact George Kazalay?</p>	<p>1 steward about what you heard any of these</p> <p>2 four individuals say?</p> <p>3 A. No.</p> <p>4 Q. All right. I think we kind of</p> <p>5 got side tracked. We were trying to get</p> <p>6 from you a list of everything that you</p> <p>7 allege Jeff Johnston did to you because of</p> <p>8 your race. And we talked about a</p> <p>9 three-day suspension earlier, and you</p> <p>10 mentioned that he did not allow you to</p> <p>11 participate in projects, he told you that</p> <p>12 you couldn't read a magazine in a</p> <p>13 meeting.</p> <p>14 All right. Let's talk about</p> <p>15 the projects. What specific projects did</p> <p>16 Mr. Johnston not allow you to participate</p> <p>17 in?</p> <p>18 A. That was the only one. I</p> <p>19 think that was the only one.</p> <p>20 Q. Which one was the only one?</p> <p>21 A. When I --</p> <p>22 Q. Being the assistant lead?</p> <p>23 A. Assistant lead. Once I was</p>
Page 114	Page 116
<p>1 A. No.</p> <p>2 Q. At any point during your</p> <p>3 employment with Albany, did you make any</p> <p>4 effort to report to Human Resources any</p> <p>5 racial slur that you ever heard in the</p> <p>6 plant?</p> <p>7 A. No.</p> <p>8 Q. All right. Did you make any</p> <p>9 effort to report any such slurs to George</p> <p>10 Kazalay?</p> <p>11 A. No.</p> <p>12 Q. Okay. Other than Jewel</p> <p>13 Johnson, Jimmy Dix, Dottie Brown, and</p> <p>14 Shirley Howard, can you name any other</p> <p>15 Albany International employee that you</p> <p>16 have some recollection of ever having</p> <p>17 heard make a racial slur in the Montgomery</p> <p>18 plant?</p> <p>19 A. I don't remember.</p> <p>20 Q. Okay. Have you ever worked</p> <p>21 for Albany anywhere other than Montgomery?</p> <p>22 A. No.</p> <p>23 Q. Okay. Did you go to your shop</p>	<p>1 asked to -- once I was asked to go on day</p> <p>2 shift to train other employees, to work on</p> <p>3 the H-500, M-3000 -- the H-500, that was</p> <p>4 the fabric. He didn't tell me this, but I</p> <p>5 was told that he said, "Over his dead</p> <p>6 body."</p> <p>7 Q. Well, did somebody offer you</p> <p>8 the job of moving to first shift to train</p> <p>9 anybody?</p> <p>10 A. Ken Thunderbird came up to me</p> <p>11 and asked me to go -- if he went to George</p> <p>12 Kazalay and asked George Kazalay if I</p> <p>13 could go to day shift to work and train</p> <p>14 the other employees to run that fabric,</p> <p>15 would I. I said if he -- if he says this</p> <p>16 is okay.</p> <p>17 So after that I never heard</p> <p>18 anything from Ken Thunderbird. One of the</p> <p>19 employees was telling me he -- he came to</p> <p>20 me and he said, "They really need you on</p> <p>21 day shift so we can move" -- he was a</p> <p>22 tech. And he asked me, you know. And he</p> <p>23 told me the reason that I wasn't doing it</p>

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30 (Pages 117 to 120)

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<p>1 was because Jeff didn't want me to.</p> <p>2 Q. Who was -- is it Ken</p> <p>3 Funderburk?</p> <p>4 A. Thunderbird. Thunderbird. I</p> <p>5 don't know.</p> <p>6 Q. Just for ease of reference,</p> <p>7 you said Ken asked you if he got George</p> <p>8 Kazalay's permission, would you move to</p> <p>9 first shift to train?</p> <p>10 A. Yes.</p> <p>11 Q. When did that conversation</p> <p>12 occur?</p> <p>13 A. It had to be two -- between</p> <p>14 2001, 2003, something like that.</p> <p>15 Q. Well, was it before or after</p> <p>16 your injury in 2001?</p> <p>17 A. I don't know. But it was</p> <p>18 between that time. It was in -- during</p> <p>19 that time.</p> <p>20 Q. Was anybody else present for</p> <p>21 this conversation with Ken where he asked</p> <p>22 you about moving to first shift to train?</p> <p>23 A. Yes.</p>	<p>1 A. Because afterwards, Lomack and</p> <p>2 I was talking, I asked Lomack -- I said,</p> <p>3 "I never did hear." He said, "Well, I put</p> <p>4 it" -- he said, "Tee, they ain't going to</p> <p>5 give you that job. Jeff said it was over</p> <p>6 his dead body."</p> <p>7 Q. When did this conversation</p> <p>8 with Mr. Bean occur?</p> <p>9 A. Maybe about two weeks after</p> <p>10 Mr. Thunderbird had asked him to do this?</p> <p>11 Q. Did you ever go to George</p> <p>12 Kazalay and ask him about the training</p> <p>13 job?</p> <p>14 A. No.</p> <p>15 Q. In this conversation with</p> <p>16 Mr. Bean, where he told you that Jeff</p> <p>17 Johnston made some comment about you</p> <p>18 getting the training job over his dead</p> <p>19 body, was anybody else present?</p> <p>20 A. No.</p> <p>21 Q. Did Mr. Bean tell you that he</p> <p>22 understood Jeff Johnston was blocking you</p> <p>23 from that job because of your race?</p>
Page 118	Page 120
<p>1 Q. Who?</p> <p>2 A. Lomack Bean.</p> <p>3 Q. And who was Mr. Bean?</p> <p>4 A. He was our technician.</p> <p>5 Q. Do you believe that Ken ever</p> <p>6 took any action against you because of</p> <p>7 your race?</p> <p>8 A. No.</p> <p>9 Q. Did you ever hear Ken make any</p> <p>10 racial comments at work?</p> <p>11 A. No.</p> <p>12 Q. Ever hear Ken make any racial</p> <p>13 slurs?</p> <p>14 A. No.</p> <p>15 Q. Now, if I understood your</p> <p>16 testimony correctly, after Ken asked you</p> <p>17 if you would move, that's the last you</p> <p>18 heard about it from him?</p> <p>19 A. Yes.</p> <p>20 Q. Did you ever approach Ken and</p> <p>21 ask him what about that training job?</p> <p>22 A. No.</p> <p>23 Q. Why not?</p>	<p>1 A. No, he didn't.</p> <p>2 Q. Did he give any reason why</p> <p>3 Mr. Johnston would be blocking you from</p> <p>4 that job?</p> <p>5 A. No.</p> <p>6 Q. Did he tell you that he had</p> <p>7 heard Mr. Johnston say that?</p> <p>8 A. He didn't tell me that he</p> <p>9 heard him. He just said, "Jeff said that</p> <p>10 he was not going to give you the job." It</p> <p>11 would be over his dead body before you get</p> <p>12 this job, something to that effect.</p> <p>13 Q. All right. Were you going to</p> <p>14 get paid more money to move to first shift</p> <p>15 and train?</p> <p>16 A. No.</p> <p>17 Q. Was it going to change your</p> <p>18 seniority in the plant in any way?</p> <p>19 A. No.</p> <p>20 Q. Okay. Do you know if anybody</p> <p>21 actually got the training job?</p> <p>22 A. No.</p> <p>23 Q. So nobody ever filled the job?</p>

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31 (Pages 121 to 124)

Page 121	Page 123
<p>1 A. It wasn't posted. He came to  2 me personally, because I had worked the  3 M-3000. And he thought I had did a good  4 job, so he asked me.  5 Q. So there was never a posting  6 for a trainer job?  7 A. No.  8 Q. Okay. So you didn't apply  9 and, to your knowledge, nobody ever got  10 that position?  11 A. No.  12 Q. Did you go to Mr. Johnston and  13 ask him if he was stopping you from  14 getting that job?  15 A. No.  16 Q. The assistant lead and the  17 training positions, are those the only  18 projects that you think Mr. Johnston  19 denied you involvement in?  20 A. Yes.  21 Q. When did this meeting with the  22 magazine occur?  23 A. I don't know exactly when.</p>	<p>1 else was on the shift.  2 Q. What was this meeting about?  3 A. I don't remember.  4 Q. Was it work related?  5 A. Yes.  6 Q. And what was the magazine that  7 Dottie Brown was reading?  8 A. I don't remember that. It was  9 just a pamphlet.  10 Q. It was a pamphlet?  11 A. It was something like a  12 pamphlet. We would -- we would bring  13 magazines, pamphlets, in like, and we  14 would, you know, look at them on our break  15 or somewhat. And she just had a pamphlet  16 reading it -- looking through the  17 pamphlet. I said, "Let me see that." She  18 slid it over.  19 When she slid the pamphlet  20 over, he just abruptly said, "Dora, I will  21 not have you looking at a magazine in my  22 meeting."  23 Q. Had the meeting already</p>
Page 122	Page 124
<p>1 Q. Who was reading the magazine  2 in the meeting?  3 A. Dottie Brown.  4 Q. Dottie Brown. What was  5 Ms. Brown's job at the time?  6 A. Nap seamer.  7 Q. Was she a union steward?  8 A. No.  9 Q. Okay. And what was this  10 meeting?  11 A. I don't remember.  12 Q. And what was Mr. Johnston's  13 job at the time?  14 A. I believe he was department  15 manager. I believe. I don't know.  16 Q. Besides Mr. Johnston, Dottie  17 Brown, and yourself, who else was present  18 for this meeting?  19 A. I remember Katherine Davis,  20 Mamie Long -- who else -- I believe Susan  21 Snead.  22 Q. Susan who?  23 A. Snead. I don't remember who</p>	<p>1 started?  2 A. Yes.  3 Q. So Dottie Brown was looking at  4 this pamphlet during the meeting?  5 A. Yes.  6 Q. But you don't remember what  7 Mr. Johnston had -- had called the meeting  8 for?  9 A. I don't remember.  10 Q. Any other supervisors in the  11 meeting besides Mr. Johnston?  12 A. I don't think so.  13 Q. So your shift supervisor  14 wasn't present?  15 A. I don't remember.  16 Q. All right. Anybody else in  17 this meeting reading any magazines?  18 A. I don't remember.  19 Q. At the time Ms. Brown started  20 reading it, had the meeting started?  21 A. Yes.  22 Q. Did Mr. Johnston tell you that  23 you couldn't read the meeting -- read the</p>



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32 (Pages 125 to 128)

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<p>1 magazine because of your race?</p> <p>2 A. No.</p> <p>3 Q. Did he make any references</p> <p>4 during this meeting to yours or anyone</p> <p>5 else's race?</p> <p>6 A. No.</p> <p>7 Q. Did Jeff Johnston make any</p> <p>8 racial slurs in this meeting?</p> <p>9 A. No.</p> <p>10 Q. Did he tell any racial jokes</p> <p>11 in this meeting?</p> <p>12 A. No.</p> <p>13 Q. Did you report Mr. Johnston's</p> <p>14 conduct during this meeting to anyone in</p> <p>15 Human Resources?</p> <p>16 A. No, I don't think so. No.</p> <p>17 Q. Did you make any effort to</p> <p>18 report this incident to George Kazalay?</p> <p>19 A. No.</p> <p>20 Q. Did you think Mr. Johnston in</p> <p>21 this meeting told you not to read the</p> <p>22 magazine because of your race?</p> <p>23 A. Yes.</p>	<p>1 A. I believe he was the</p> <p>2 department manager at the time.</p> <p>3 Q. All right. Other than the</p> <p>4 three-day suspension, the assistant lead,</p> <p>5 the training project, and this incident</p> <p>6 with the meeting, any other instances that</p> <p>7 you can point me to where you think</p> <p>8 somehow Mr. Johnston treated you</p> <p>9 differently than other employees because</p> <p>10 of your race?</p> <p>11 A. Because of my race, no.</p> <p>12 Q. Okay. Any other action by</p> <p>13 Mr. Johnston at any point while you worked</p> <p>14 for the company that you believe was in</p> <p>15 any way influenced by your race?</p> <p>16 A. No.</p> <p>17 Q. At any point, while you worked</p> <p>18 for Albany, did you ever submit an</p> <p>19 application for disability insurance</p> <p>20 benefits?</p> <p>21 A. Yes.</p> <p>22 Q. When?</p> <p>23 A. I don't remember the dates,</p>
Page 126	Page 128
<p>1 Q. Why do you believe that he</p> <p>2 didn't want you reading the magazine</p> <p>3 because of your race?</p> <p>4 A. I don't know why.</p> <p>5 Q. Did you ask Mr. Johnston if</p> <p>6 that was the reason he told you not to</p> <p>7 read the magazine?</p> <p>8 A. No.</p> <p>9 Q. Has anybody at Albany ever</p> <p>10 told you that the reason Mr. Johnston told</p> <p>11 you not to read it is because of your</p> <p>12 race?</p> <p>13 A. No.</p> <p>14 Q. So why do you think that your</p> <p>15 race had anything to do with this magazine</p> <p>16 incident?</p> <p>17 A. Because I was sitting next to</p> <p>18 a white woman. She was reading the</p> <p>19 magazine. It was no problem. As soon as</p> <p>20 I touched it --</p> <p>21 Q. And, as best you recall, this</p> <p>22 occurred when Mr. Johnston was your</p> <p>23 department manager?</p>	<p>1 but I remember the last time.</p> <p>2 Q. When was the last time?</p> <p>3 A. It was approximately --</p> <p>4 probably 2002, 2003. 2002 -- 2001, 2002.</p> <p>5 Q. All right. And to whom did</p> <p>6 the application get sent?</p> <p>7 A. Well, what you do is -- I'm</p> <p>8 going to explain to you what happens in</p> <p>9 situations like that.</p> <p>10 Q. All right. That would be</p> <p>11 great.</p> <p>12 A. Because when you go to a</p> <p>13 doctor and your doctor takes you off the</p> <p>14 job, you get the paperwork from -- her</p> <p>15 name was Linda Jones. I don't remember</p> <p>16 what her position was. And then you take</p> <p>17 these papers to your doctor and your</p> <p>18 doctor fills this paperwork out and you</p> <p>19 bring them back to the company.</p> <p>20 Q. Then what happens?</p> <p>21 A. And that's it. And if you are</p> <p>22 off past, I think, the third day, then</p> <p>23 that's when your benefits will kick in.</p>

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<p>1 Other than that, you have to be off at  2 least three days before you could be paid  3 for your time off.  4 Q. All right. Did Ms. Jones ever  5 refuse to give you any paperwork, if you  6 asked for it, for disability insurance?  7 A. No.  8 Q. In '01, '02, I think you said  9 that you got the paperwork from Linda to  10 take to your doctor.  11 A. Yes.  12 Q. Okay. Your doctor fills out  13 some part of the form?  14 A. Yes.  15 Q. Were you responsible for  16 filling out part of it?  17 A. Yes.  18 Q. And did Linda Jones or  19 somebody else at the company fill out  20 another part of it?  21 A. I believe so.  22 Q. That application, to your  23 knowledge, did it get sent to an insurance</p>	<p>1 doctor.  2 Q. Is that the injury that was  3 later determined to be Workers'  4 Compensation and was treated as a Workers'  5 Comp injury?  6 A. No. There was once I was --  7 what was -- I was being treated -- I was  8 going to the Work Comp doctors. They gave  9 me an injection in my shoulder, and I went  10 to work and I passed out, because I was  11 allergic to steroid. They gave me  12 steroids in his office.  13 And, in turn -- I think this  14 is the same time, I'm not for sure -- the  15 paramedics came and I was taken to my  16 doctor's office. But I believe that this  17 is the -- this is the time -- I can't --  18 it is so many occasions till I don't  19 remember.  20 Q. Okay. Take a look at that for  21 me. I will put a sticker on it.  22 (WHEREUPON, a document was  23 marked as Defendant's Exhibit 6 and is</p>
Page 130	Page 132
<p>1 company?  2 A. Yes.  3 Q. Do you know what insurance  4 company?  5 A. I don't remember.  6 Q. Does Prudential sound right?  7 A. Yes. Prudential. Prudential.  8 Q. Did anybody at Prudential ever  9 contact you concerning any application by  10 you for disability insurance benefits?  11 A. No.  12 Q. Do you know what your doctors  13 said on the application for disability  14 insurance benefits?  15 A. No.  16 Q. Do you know if your doctor  17 indicated on the form that your injury was  18 work related?  19 A. The time that he did, yes, he  20 did indicate it was work related.  21 Q. Were you receiving Workers'  22 Compensation benefits for that injury?  23 A. No. I had to go to my private</p>	<p>1 attached to the original transcript.)  2 Q. Just take a minute and read  3 over that for me.  4 (Pause)  5 Q. Have you had a chance to look  6 over what we have marked as Exhibit 6?  7 A. Yes.  8 Q. Do you recognize it?  9 A. Yes.  10 Q. Who is Jeffrey Mathis?  11 A. That was my doctor.  12 Q. Mr. Mathis was your private  13 doctor?  14 A. Primary care.  15 Q. Okay. And when you have  16 referred a couple of times to your private  17 doctor earlier in your deposition, is  18 Mr. Mathis who you are referring to?  19 A. Yes.  20 Q. All right. Now, it looks like  21 this application was filled out by  22 probably three different people. Just so  23 the -- I can be clear, I'm just going to</p>

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34 (Pages 133 to 136)

Page 133	Page 135
<p>1 go through page by page.</p> <p>2 Is that your handwriting on</p> <p>3 the first page?</p> <p>4 A. No.</p> <p>5 Q. All right. Do you recognize</p> <p>6 the handwriting?</p> <p>7 A. It's not my writing. No. No.</p> <p>8 Q. The second page looks like it</p> <p>9 has the signature on it of Linda Jones.</p> <p>10 A. Okay.</p> <p>11 Q. Based on your experience with</p> <p>12 the application process you have</p> <p>13 described, are these -- the first couple</p> <p>14 of pages, would Ms. Jones have filled</p> <p>15 these out?</p> <p>16 A. Yes.</p> <p>17 Q. Let's look at page three. Is</p> <p>18 this your handwriting?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. And on the fourth page,</p> <p>21 where your signature is at the bottom, is</p> <p>22 that also your handwriting?</p> <p>23 A. Yes.</p>	<p>1 page that we are looking at right now</p> <p>2 looks like it says, "To be completed by</p> <p>3 attending physician."</p> <p>4 A. Yes.</p> <p>5 Q. That would have been</p> <p>6 Dr. Mathis?</p> <p>7 A. Yes.</p> <p>8 Q. Is any of the handwriting on</p> <p>9 the bottom of that page or the next page</p> <p>10 yours?</p> <p>11 A. No.</p> <p>12 Q. Look at the last page of what</p> <p>13 we have marked as Exhibit 6. Do you</p> <p>14 recognize Dr. Mathis' signature?</p> <p>15 A. Yes.</p> <p>16 Q. Now, in the middle of the --</p> <p>17 up towards the top there is a reference</p> <p>18 that says, "Work-related illness or</p> <p>19 injury." Do you see that space?</p> <p>20 A. Yes.</p> <p>21 Q. And, to your knowledge, did</p> <p>22 Dr. Mathis complete this on your behalf?</p> <p>23 A. Yes.</p>
Page 134	Page 136
<p>1 Q. Okay. On the fifth page there</p> <p>2 are two signatures on here; both yours?</p> <p>3 A. Yes.</p> <p>4 Q. All right. And turn over to</p> <p>5 the last -- I guess the next page also</p> <p>6 looks like it has your signature in the</p> <p>7 middle of the page.</p> <p>8 A. Yes.</p> <p>9 Q. Is that your handwriting on</p> <p>10 that page?</p> <p>11 A. Yes.</p> <p>12 Q. At least on the -- I'm looking</p> <p>13 at -- there is a stamped number in the</p> <p>14 bottom right corner of two-o-seven, is the</p> <p>15 page number. It looks like this</p> <p>16 (Indicating). That page right there.</p> <p>17 A. Okay.</p> <p>18 Q. Is that your handwriting on</p> <p>19 the top in those blocks?</p> <p>20 A. Yes.</p> <p>21 Q. Is that your signature?</p> <p>22 A. Yes.</p> <p>23 Q. Now, the bottom half of this</p>	<p>1 Q. All right. And he indicated</p> <p>2 that this was a work-related injury?</p> <p>3 A. Yes.</p> <p>4 Q. All right. For workplace</p> <p>5 injuries, do you know what the disability</p> <p>6 policy said? Were you eligible for</p> <p>7 disability insurance if it was a</p> <p>8 work-related injury?</p> <p>9 A. I don't understand.</p> <p>10 Q. Okay. Do you know who made</p> <p>11 the decision about whether you were</p> <p>12 eligible for benefits under the disability</p> <p>13 policy?</p> <p>14 A. No.</p> <p>15 Q. So you don't know who actually</p> <p>16 decided whether you would or would not be</p> <p>17 paid benefits under this policy?</p> <p>18 A. No.</p> <p>19 Q. All right. When you signed up</p> <p>20 for disability insurance with the company,</p> <p>21 did you get any kind of booklet describing</p> <p>22 the short-term and long-term disability</p> <p>23 program of the company?</p>

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35 (Pages 137 to 140)

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<p>1 A. I'm sure I did.</p> <p>2 Q. All right. Did you keep a</p> <p>3 copy of it?</p> <p>4 A. I don't have it now.</p> <p>5 Q. Okay. And during the course</p> <p>6 of your employment with the company, did</p> <p>7 you get any updates to the disability</p> <p>8 policy?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. That is going to be 7</p> <p>11 when I mark it.</p> <p>12 (WHEREUPON, a document was</p> <p>13 marked as Defendant's Exhibit 7 and is</p> <p>14 attached to the original transcript.)</p> <p>15 (Pause)</p> <p>16 Q. Does that look familiar to</p> <p>17 you, what we have marked as Exhibit 7?</p> <p>18 A. No.</p> <p>19 Q. Okay. Now, at the time of</p> <p>20 this document -- do you recall submitting</p> <p>21 this application for disability benefits,</p> <p>22 that is Exhibit 6, to Prudential?</p> <p>23 A. To Linda Jones.</p>	<p>1 something to do with Prudential, the</p> <p>2 insurance company.</p> <p>3 Q. But you don't know who Tim</p> <p>4 Golden was?</p> <p>5 A. No, I don't know him.</p> <p>6 Q. Mr. Golden told you that you</p> <p>7 were paid what?</p> <p>8 A. The -- well, when I was off</p> <p>9 during that time, I received benefits.</p> <p>10 Q. From?</p> <p>11 A. From Prudential.</p> <p>12 Q. For short-term disability?</p> <p>13 A. For that short-term</p> <p>14 disability.</p> <p>15 Q. Did you ever submit an</p> <p>16 application to Prudential for long-term</p> <p>17 disability coverage through your Albany</p> <p>18 plan?</p> <p>19 A. No.</p> <p>20 Q. So you never applied for LTD</p> <p>21 benefits?</p> <p>22 A. No.</p> <p>23 Q. And were you -- you received</p>
Page 138	Page 140
<p>1 Q. Your doctor didn't send this</p> <p>2 to Prudential?</p> <p>3 A. I don't know.</p> <p>4 Q. Is it your understanding that</p> <p>5 this document was actually sent to</p> <p>6 Prudential on your behalf?</p> <p>7 A. Yes.</p> <p>8 Q. All right. And if I have</p> <p>9 asked you this already, I'm sorry. Do you</p> <p>10 recall receiving any communication from</p> <p>11 anybody at Prudential concerning your</p> <p>12 application for disability insurance?</p> <p>13 A. After I had been off and</p> <p>14 received the -- they -- Jeff Johnston, Ted</p> <p>15 Bryant, Donna Smith -- I think that's her</p> <p>16 name -- Bob Hampsey, they called me up</p> <p>17 into the conference room, and I listened</p> <p>18 to a Tim Golden on a telephone. And he</p> <p>19 told me that they paid me, but they would</p> <p>20 consider this job related. That's the</p> <p>21 only thing I heard of it.</p> <p>22 Q. Who is Tim Golden?</p> <p>23 A. I'm -- I assume he had</p>	<p>1 short-term disability payments?</p> <p>2 A. For that, yes.</p> <p>3 Q. Okay. Any other applications</p> <p>4 for short-term disability benefits while</p> <p>5 you worked for the company?</p> <p>6 A. Yes.</p> <p>7 Q. Before or after this one?</p> <p>8 A. It was before.</p> <p>9 Q. Before this one?</p> <p>10 A. Yes.</p> <p>11 Q. Did you receive short-term</p> <p>12 disability benefits then?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. Have you ever been</p> <p>15 denied short-term disability benefits when</p> <p>16 you applied for them while you were at</p> <p>17 Albany?</p> <p>18 A. The only time you didn't</p> <p>19 receive benefits is when you didn't have</p> <p>20 three or more days of short-term -- I mean</p> <p>21 short-term disability.</p> <p>22 Q. All right. Is there any</p> <p>23 occasion where you were out for more than</p>



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36 (Pages 141 to 144)

Page 141	Page 143
<p>1 three days that you applied for but were  2 denied short-term disability payments?  3 A. No.  4 Q. Okay. As a member of the  5 bargaining unit at Albany, were there  6 retirement benefits negotiated in the  7 contract?  8 A. I believe so.  9 Q. Okay. Do you recall what they  10 were?  11 A. No.  12 Q. All right. Has anybody at the  13 company denied you your retirement  14 benefits in any way?  15 A. Retirement benefits?  16 Q. Yes, ma'am.  17 A. No.  18 Q. Okay. Do you know what the  19 eligibility criteria were for retirement  20 benefits at Albany?  21 A. I don't know exactly. I know  22 you have to be fifty-five plus amount of  23 service -- years of service -- I mean</p>	<p>1 A. Yes.  2 Q. And why do you believe that  3 you were discharged.  4 A. Because I was told that I  5 couldn't come in the plant to work.  6 Q. I understand that is what you  7 say that you were told. Why do you  8 believe that you were discharged?  9 A. Because I couldn't come to  10 work.  11 Q. Do you believe you were  12 discharged by Albany because you are  13 black?  14 A. No.  15 Q. Do you believe that you were  16 discharged by Albany because of some  17 retirement benefits issue?  18 A. I don't know why I was  19 discharged.  20 Q. Who do you believe discharged  21 you from the company on August the 21st,  22 2003?  23 A. Jeff Johnston.</p>
Page 142	Page 144
<p>1 service years.  2 Q. Right.  3 A. I don't know exactly how it --  4 how it worked.  5 Q. All right. Do you believe  6 anybody at the company has done anything  7 to interfere with your ability to get your  8 retirement benefits from Albany?  9 A. Yes.  10 Q. What did they do?  11 A. I was terminated.  12 Q. Okay. When were you  13 terminated?  14 A. October the 29th.  15 Q. Of 2003?  16 A. Well, let me restate. I  17 believe it was -- I was terminated August  18 the 21st, because that's when I stopped  19 being able to come in the plant -- being  20 able to work. Was told not to come in or  21 when to come in and not to come in.  22 Q. Okay. So you believe that you  23 were discharged August the 21st, 2003?</p>	<p>1 Q. Did Mr. Johnston call you and  2 tell you you were terminated?  3 A. No, he didn't.  4 Q. Did anybody at Albany tell you  5 that you were terminated on August the  6 21st, 2003?  7 A. No.  8 Q. Why do you believe  9 Mr. Johnston terminated you on August the  10 21st, 2003?  11 A. Because he was in control of  12 the activities that went on at the  13 company.  14 Q. Did you participate in any  15 meetings where Mr. Johnston announced that  16 he had decided that you would be  17 discharged on August the 21st, 2003?  18 A. No.  19 Q. Well, why do you -- why do you  20 believe Mr. Johnston terminated you on  21 August the 21st, 2003?  22 A. Mr. Johnston asked me on  23 several occasions was I -- could I</p>

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37 (Pages 145 to 148)

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<p>1 guaranty him whether I could come to work  2 and wouldn't be in pain. And after that,  3 I was not allowed in the building, because  4 I can't -- I couldn't guaranty him that I  5 couldn't be in pain.  6 Q. Well, when did Mr. Johnston  7 ask you -- the dates, please -- of when  8 Mr. Johnston asked you whether you could  9 guaranty him that you could work without  10 pain?  11 A. I don't have the dates, but it  12 was on about three different occasions.  13 Q. What year?  14 A. 2003.  15 Q. All right. And were you under  16 the care of any treating physicians at the  17 time?  18 A. Yes.  19 Q. And who would those doctors  20 have been?  21 A. Dr. Katz, Dr. Wade. They were  22 Workers' Comp doctors. I went to so many.  23 Q. Do you know if Dr. Katz ever</p>	<p>1 Q. All right. And they were  2 treating you?  3 A. I was going to the doctor.  4 Q. Did any doctor ever recommend  5 treatment to you that you declined?  6 A. No. I have never declined  7 treatment.  8 Q. So you never had a doctor  9 recommend a treatment procedure to you  10 that you turned down for any reason?  11 A. I was allergic to pain pills.  12 I also have become allergic to  13 inflammation. So if they wrote me a  14 prescription, or whatever, for the  15 inflammation pill, I would receive them,  16 but they would upset my stomach and they  17 would cause me to start the acid  18 regurgitation. So I could not take the  19 pill. I couldn't take the medication.  20 Q. On August the 21st, 2003, when  21 you say that you were discharged from  22 Albany, were you able to do all of your  23 job functions at Albany?</p>
Page 146	Page 148
<p>1 told the company his medical opinion about  2 your ability to do your job?  3 A. I don't know what Dr. Katz  4 told the company.  5 Q. Do you know if Dr. Wade ever  6 told the company he thought you were  7 physically able to do your job?  8 A. I don't know.  9 Q. Do you know why Mr. Johnston  10 asked you if you could do -- if you could  11 guaranty him that you could do the job  12 without pain?  13 A. Because I had complained --  14 constantly complained of being in pain.  15 Q. Because of your Workers'  16 Compensation injuries?  17 A. Yes.  18 Q. For which you were receiving  19 medical treatment?  20 A. I was going to doctors.  21 Q. Approved Workers' Compensation  22 doctors?  23 A. Yes.</p>	<p>1 A. Not without pain.  2 Q. I didn't ask if you were going  3 to be uncomfortable when you did it. Were  4 you physically able to do the job on  5 August the 21st, 2003?  6 A. Not without pain.  7 Q. Well, I mean, my knees hurt  8 every day, but I go to work. Could you  9 have performed your job duties as a seamer  10 on August the 21st, 2003?  11 A. With medical help and -- I  12 could not do it in pain. I had worked  13 since 1991 in pain. I have been working  14 since 1991 in pain. I was reinjured four  15 or five times after that. And I could not  16 guaranty anyone that I could not work in  17 pain. And, as a matter of fact, the  18 doctors told me that I would be working in  19 pain for the rest of my life.  20 Q. Okay. Who at Albany told you  21 that you were discharged?  22 A. I don't even remember.  23 Q. Did anybody at Albany ever</p>

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38 (Pages 149 to 152)

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<p>1 tell you that you were terminated?</p> <p>2 A. They told me that I couldn't</p> <p>3 come to the building. I couldn't come in,</p> <p>4 I couldn't work.</p> <p>5 Q. And you were told that on</p> <p>6 August the 21st, 2003?</p> <p>7 A. The 21st I was given -- phone</p> <p>8 call, came in -- I was called in on</p> <p>9 occasional meetings, and I was told, "I</p> <p>10 can't allow you in this plant." I was --</p> <p>11 come in one day and my card was pulled. I</p> <p>12 came in one day -- I was supposed to come</p> <p>13 in one night, Jeff Johnston and -- I can't</p> <p>14 think of his name, but he was the</p> <p>15 department head -- they were at the door</p> <p>16 waiting to send me home.</p> <p>17 Q. When was that?</p> <p>18 A. This was during the time</p> <p>19 when -- the three-day suspension.</p> <p>20 Q. You were -- when you were</p> <p>21 suspended for three days, did you try to</p> <p>22 come anyway?</p> <p>23 A. I came to work. I didn't know</p>	<p>1 the 21st, 2003, that you still came in and</p> <p>2 did some work for the company.</p> <p>3 A. They would call me and -- like</p> <p>4 I said, they would allow me -- this was</p> <p>5 the day that I was taken off of my job.</p> <p>6 But from August the 21st till October the</p> <p>7 29th, periodically, I would come in --</p> <p>8 they would call me in -- told me I could</p> <p>9 come in. Then when I had a doctor's</p> <p>10 appointment or I complained, I was sent</p> <p>11 home or I was called at home and I was</p> <p>12 told not to come in.</p> <p>13 Q. When you had a doctor's</p> <p>14 appointment?</p> <p>15 A. I don't know. But it was</p> <p>16 still out -- throughout 2001, 2002, and</p> <p>17 the rest of 2003.</p> <p>18 Q. Well, if you were terminated</p> <p>19 on August the 21st, 2003, why do you think</p> <p>20 anybody would let you come back to work?</p> <p>21 A. Because they were trying to</p> <p>22 get me to get a doctor to say that I was</p> <p>23 medically disabled. They didn't want to</p>
Page 150	Page 152
<p>1 I was suspended.</p> <p>2 Q. When you came to work, you</p> <p>3 were notified that you were suspended?</p> <p>4 A. I was called to the office.</p> <p>5 Q. August the 21st, 2003 --</p> <p>6 strike that. I will start over again.</p> <p>7 Is it your contention in this</p> <p>8 lawsuit that you were terminated by Albany</p> <p>9 International on August the 21st, 2003?</p> <p>10 A. Yes.</p> <p>11 Q. All right. By Jeff Johnston?</p> <p>12 A. Jeff Johnston was the decision</p> <p>13 maker, yes.</p> <p>14 Q. How do you know Mr. Johnston</p> <p>15 was the decision maker?</p> <p>16 A. Because he was the plant</p> <p>17 manager.</p> <p>18 Q. Okay. And who communicated</p> <p>19 the decision to you on August the 21st,</p> <p>20 2003?</p> <p>21 A. Ted Bryant.</p> <p>22 Q. Ted Bryant. Now, I thought</p> <p>23 you told me earlier, though, after August</p>	<p>1 admit that they were -- I was -- there</p> <p>2 were injuries that was causing me the</p> <p>3 pain.</p> <p>4 Q. Who didn't want to admit that?</p> <p>5 A. Jeff Johnston, Ted Bryant -- I</p> <p>6 can't think of the other person's name</p> <p>7 that was the department manager.</p> <p>8 Q. Would that have been Bob</p> <p>9 Hampsey?</p> <p>10 A. Bob Hampsey.</p> <p>11 Q. Any of them -- did</p> <p>12 Mr. Johnston ever tell you that he didn't</p> <p>13 want to admit that you were in pain?</p> <p>14 A. He wanted me to admit that I</p> <p>15 wasn't in pain.</p> <p>16 Q. That wasn't my question. My</p> <p>17 question is: Did Mr. Johnston ever tell</p> <p>18 you that, you know, he would not admit</p> <p>19 that you were in pain?</p> <p>20 A. No, he didn't.</p> <p>21 Q. All right. Did Ted Bryant</p> <p>22 ever tell you that he didn't think that</p> <p>23 you were in pain?</p>

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39 (Pages 153 to 156)

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<p>1 A. No.</p> <p>2 Q. Did Bob Hampsey ever tell you</p> <p>3 that he didn't think you were in pain?</p> <p>4 A. No.</p> <p>5 Q. And throughout this time</p> <p>6 period, August the 21st of 2003, through</p> <p>7 the end of October, 2003, you were being</p> <p>8 treated by both Dr. Katz and Dr. Wade as</p> <p>9 Workers' Compensation doctors?</p> <p>10 A. It was probably some more, but</p> <p>11 I just can't remember their name.</p> <p>12 Q. But you were going to Workers'</p> <p>13 Compensation doctors related to injuries</p> <p>14 that you had suffered --</p> <p>15 A. Injuries?</p> <p>16 Q. -- injuries you had suffered</p> <p>17 at Albany International?</p> <p>18 A. Yes.</p> <p>19 Q. The company was paying those</p> <p>20 -- for those doctors' visits?</p> <p>21 A. Yes.</p> <p>22 Q. I guess I'm still confused.</p> <p>23 I'm trying to determine why you believe</p>	<p>1 Q. Heath?</p> <p>2 A. Heath. I talked to -- he</p> <p>3 worked in the -- Danny Roland.</p> <p>4 Q. Norma Heath was a shop</p> <p>5 steward?</p> <p>6 A. Yes.</p> <p>7 Q. Was Danny Roland a shop</p> <p>8 steward?</p> <p>9 A. Yes.</p> <p>10 Q. Was Norma Heath the shop</p> <p>11 steward for the seaming department?</p> <p>12 A. Seaming department.</p> <p>13 Q. Danny Roland, was he in the</p> <p>14 weaving department?</p> <p>15 A. No. He was -- he was on the</p> <p>16 dock, but I can't remember what they</p> <p>17 called that area. Finishing.</p> <p>18 Q. Finishing?</p> <p>19 A. No, it wasn't finish. It was</p> <p>20 on the shipping. I believe shipping.</p> <p>21 Q. Tell me about your</p> <p>22 conversations with Ms. Heath as your</p> <p>23 department's union steward.</p>
Page 154	Page 156
<p>1 that you were fired.</p> <p>2 A. Because I was. Anytime you</p> <p>3 are dismissed or taken off of a job, what</p> <p>4 do you call that?</p> <p>5 Q. Well, I'm trying to determine</p> <p>6 why you believe -- what you believe</p> <p>7 motivated your release from the company.</p> <p>8 A. I have just said it. I was</p> <p>9 injured. I had neck pain, wrist pain,</p> <p>10 back pain, knee pain, shoulder pain. I</p> <p>11 was constantly having problems to try to</p> <p>12 sit at the machine, to stand, to walk. I</p> <p>13 had my hand in two wrist braces. I would</p> <p>14 have to take my hand out of the brace to</p> <p>15 do some of the work. I was told not to</p> <p>16 take it out. The company had no light</p> <p>17 duty.</p> <p>18 Q. Did you go to talk to your</p> <p>19 union representatives about this at any</p> <p>20 point in this time frame?</p> <p>21 A. Yes.</p> <p>22 Q. Who did you talk to?</p> <p>23 A. I talked to Norma.</p>	<p>1 A. I asked her -- I would ask</p> <p>2 her, you know, "What is it that the Union</p> <p>3 can do about this," that I was being</p> <p>4 railroaded out of my job. And she told me</p> <p>5 that the Union couldn't do anything. It</p> <p>6 was nothing -- the Union didn't take</p> <p>7 anything to do with Workmen's</p> <p>8 Compensation.</p> <p>9 Q. Is it your contention in this</p> <p>10 case that the company was trying to force</p> <p>11 you out of your job because of Workers'</p> <p>12 Compensation injuries?</p> <p>13 A. Yes.</p> <p>14 Q. Is that the only reason that</p> <p>15 you believe that the company was trying to</p> <p>16 force you out of your job?</p> <p>17 A. I don't know.</p> <p>18 Q. Well, in this lawsuit do you</p> <p>19 allege that there is any reason, other</p> <p>20 than your Workers' Compensation injuries,</p> <p>21 that is the basis for the company's</p> <p>22 efforts to push you out?</p> <p>23 A. I know that injuries was the</p>



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<p>1 reason that I was in pain.</p> <p>2 Q. Did Mr. Johnston ever hit you</p> <p>3 at work?</p> <p>4 A. No.</p> <p>5 Q. Did he ever touch you</p> <p>6 inappropriately in any way?</p> <p>7 A. No.</p> <p>8 Q. Did he ever touch you?</p> <p>9 A. The job that we did, sometimes</p> <p>10 you had to brush past or touch or lean if</p> <p>11 you are checking on a fabric. If he want</p> <p>12 to check to see what the seam is doing,</p> <p>13 how the machine is running. The way we</p> <p>14 worked, he might have. I don't know. But</p> <p>15 I don't remember, because it is so many</p> <p>16 touches.</p> <p>17 Q. But other than in the context</p> <p>18 of working around the machine, is there</p> <p>19 any other instance where Mr. Johnston ever</p> <p>20 touched you at work?</p> <p>21 A. No.</p> <p>22 Q. Has Mr. Johnston ever</p> <p>23 threatened you at work in any way?</p>	<p>1 Q. Were you at work that day?</p> <p>2 A. No.</p> <p>3 Q. Who contacted you about the</p> <p>4 meeting?</p> <p>5 A. I believe Ted Bryant.</p> <p>6 Q. And did he tell you what the</p> <p>7 purpose of the meeting was?</p> <p>8 A. I don't know. I don't know.</p> <p>9 Q. You don't recall him saying</p> <p>10 one way or the other what the purpose of</p> <p>11 the meeting was?</p> <p>12 A. I know that he called me and I</p> <p>13 went to the meeting.</p> <p>14 Q. Okay. Now, right before this</p> <p>15 meeting do you recall if you had been to</p> <p>16 see Jeff Wade in Birmingham?</p> <p>17 A. Yes, I had been to see Jeff</p> <p>18 Wade. I had been to see Dr. Wade. I</p> <p>19 didn't know his name.</p> <p>20 Q. He is an orthopedic doctor at</p> <p>21 Brookwood Hospital.</p> <p>22 A. I think I went to a hospital</p> <p>23 to his office.</p>
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<p>1 A. He threatened to fire me.</p> <p>2 Q. I mean, did he ever threaten</p> <p>3 you physically in any way?</p> <p>4 A. No.</p> <p>5 Q. Did he ever do anything to</p> <p>6 make you afraid that he was going to hurt</p> <p>7 you physically in some fashion?</p> <p>8 A. No.</p> <p>9 Q. Okay. Between August the 21st</p> <p>10 and October, 2003, any estimate of how</p> <p>11 many days you might have worked?</p> <p>12 A. I don't know.</p> <p>13 Q. Okay. Now, do you recall</p> <p>14 having a meeting October the 29th, 2003,</p> <p>15 at the Montgomery facility?</p> <p>16 A. Yes.</p> <p>17 Q. Who was present for this</p> <p>18 meeting?</p> <p>19 A. Ted Bryant, Jeff Johnston, Bob</p> <p>20 Hampsey, Norma Heath, and myself.</p> <p>21 Q. And how long did this meeting</p> <p>22 last?</p> <p>23 A. I don't remember.</p>	<p>1 Q. You went to his office?</p> <p>2 A. Yes.</p> <p>3 Q. Dr. Wade is an orthopedist</p> <p>4 based in Birmingham?</p> <p>5 A. Yes.</p> <p>6 Q. All right. And you had gone</p> <p>7 to see Dr. Wade in connection with one of</p> <p>8 your work place injuries?</p> <p>9 A. Yes.</p> <p>10 Q. Do you know if Dr. Wade had --</p> <p>11 in advance of this meeting on October the</p> <p>12 29th had communicated his conclusions</p> <p>13 about you to the company?</p> <p>14 A. No.</p> <p>15 Q. During this meeting on the</p> <p>16 29th did -- was there any discussion about</p> <p>17 your doctor's conclusions about your</p> <p>18 physical condition?</p> <p>19 A. I was told that I was sent</p> <p>20 back to work.</p> <p>21 Q. Who told you that your doctors</p> <p>22 had released you to work?</p> <p>23 A. I think it was Ted Bryant.</p>